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INSTRUCTIONS

TO

OFFICERS

IN

BRITISH COLONIES AND POSSESSIONS.

MERCHANT SHIPPING AND SEAMEN.

ISSUED BY THE BOARD OF TRADE.

LONDON:
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TABLE OF CONTENTS.

Section.	Subject.	Page.	Paragraphs
I.	Preliminary	1	1–15
II.	Engagement of Seamen	7	16–42
III.	Discharge of Seamen—General	13	43–61
IV.	" " —Seamen discharged or left behind through unfitness or inability to proceed	19	62–80
V.	Sick and Injured Seamen	25	81–96
VI.	Distressed Seamen	29	97–111
VII.	Desertion and Disappearance	37	112–122
VIII.	Discipline	39	123–125
IX.	Wages and Effects of Deceased Seamen ...	41	126–139
X.	Wages and Effects of Seamen left behind	45	140–159
XI.	Medicines, Anti-Scorbutics, &c.	[illegible]	160–161
XII.	Infectious Disease	53	162–164
XIII.	Births and Deaths	55	165–168
XIV.	Agreements terminated	57	169–174
XV.	Royal Naval Reserve	59	175–181
XVI.	Casualty Reports	61	182–187
XVII.	Safety	63	188–190
XVIII.	Accounts	65	191–205
	Appendix	69	
	Index	109	

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APPENDICES.

Letter.	Subject.	Page.
A	List of Colonial Certificates of Competency	70
B	Model Forms of Endorsements by Colonial Officers—	
B 1	Certificate of Engagement of Seamen	71
B 2	,, ,, Alteration of Agreement	72
B 3	Sanction to Discharge of Seaman	73
B 4	Certificate of leaving behind of Seaman on the ground of unfitness or inability to proceed	74
B 5	,, ,, Desertion or Disappearance of Seaman	75
B 6	,, ,, last entry in Official Log	76
C	Agreements between British and Foreign Governments for the mutual relief of Distressed Seamen	77
D	Instructions as to Continuous Discharge Books ...	78
E	Form of Undertaking by Master receiving Relief when in Distress	90
F	Arrangements between British and Foreign Governments respecting the property of deceased Seamen...	91
G	Extracts from Treaties, &c., between Great Britain and Foreign Countries for the surrender of Deserters	96
H	Classification of Shipping Casualties	104
J	Forms of Receipt for Subsistence and Hospital Expenses of Distressed Seamen	105
K	List of Forms and Books used by Colonial Officers	106

INSTRUCTIONS

TO

COLONIAL OFFICERS.

MERCHANT SHIPPING AND SEAMEN.

SECTION I.

PRELIMINARY.

NOTE.—*For definitions of several of the terms used in the Act and in these Instructions, reference should be made to section* 742 *of the Merchant Shipping Act*, 1894, *and to sections* 45 *and* 49 *of the Merchant Shipping Act*, 1906.

The term "Chief Officer of Customs" includes the Collector, Superintendent, Principal Coast Officer or other Chief Officer of Customs at each port. "Superintendent," so far as a British Possession is concerned, includes any Shipping Master or other officer discharging in that Possession the duties of a Superintendent (Section 742).

For convenience, the term "Colonial Officer," or "Officer," is used in these Instructions to mean any of the officers above-mentioned.

"Colony" means any part of H.M. Dominions exclusive of the British Islands and of British India. "British Possession" means any part of H.M. Dominions exclusive of the United Kingdom (Interpretation Act, 1889 ").

References in the Instructions to the Merchant Shipping Act, 1894, *and to the Merchant Shipping Act*, 1906, *are usually shown as follows :—(Section* 198—1894) *or (Section* 34—1906), *the words "Merchant Shipping Act" being omitted and the Act being referred to by the date.*

These Instructions supersede all Instructions to Colonial Officers on the subject of Merchant Shipping and Seamen issued prior to 1*st January*, 1910.

Merchant Shipping Acts.

1. The following instructions are based on the Merchant Shipping Act, 1894 (which consolidated practically the whole of the existing Imperial law on Merchant Shipping) and the Merchant Shipping Act, 1906. They do not deal with Colonial legislation on the subject of Merchant Shipping.

Duties of Colonial Officers.

2. Under the Merchant Shipping Acts, 1894 and 1906, Officers of Customs, Superintendents, and other officers

appointed for the purpose in British Colonies and Possessions, are required to exercise certain functions with regard to Merchant Shipping.

These officers are expected to make themselves familiar with the provisions of those Acts, and especially with the sections referred to in these Instructions, and any sections in which specific duties are thrown upon them by those or other Acts. They should bear in mind that many important sections of the Merchant Shipping Act, 1894, were repealed by the Merchant Shipping Act, 1906.

Powers of Inquiry.

3. Whenever a Chief Officer of Customs, or a Superintendent, in any place in H.M. Dominions, has reason to suspect that any provisions of the Merchant Shipping Acts are not complied with, he may require the Owner, Master, or any of the crew of any British ship to produce any official logbooks or other documents relating to the crew; he may call for a list of the crew; he may take copies of the documents; he may muster the crew; and he may require the Master to give any explanation concerning the documents; and any person disobeying is liable to a fine not exceeding £20. (Section 723—1894.)

Deposit of ship's papers.

4. The Masters of all ships (except those whose business it is for the time being to carry passengers)* which arrive at a port in a British Possession, and remain there for 48 hours, are bound within that time to deliver to the proper officer the Agreement with the crew, and the indentures and assignments of the apprentices on board. These he is to keep during the ship's stay in port; to make upon the Agreement the indorsements mentioned in the paragraphs below; and if there has been any neglect of the law, an indorsement containing a statement thereof. At a reasonable time before the departure of the ship, he is to add a Certificate, stating when the documents were delivered to and returned by him; stating also the time at which the ship entered the port, and the average rate of exchange ruling for bills on England at three days' sight for the period during which the vessel was in port, and to return the documents to the Master (section 257—1894). The information as to the rate of exchange (section 139—1894) is required in connection with the wages accounts of seamen discharged. (*See* paragraphs 60 and 135.)

Application of Part II. of the Merchant Shipping Act, 1894.

5. Part II. of the Merchant Shipping Act, 1894, is, by section 261, but with limitations therein mentioned, made applicable to all sea-going British ships registered out of the United Kingdom; and sections 686 and 711 provide for the punishment in any British Colony or Possession of offenders

* Vessels holding Passenger Certificates, and specially constructed for the carriage of passengers, should be exempted, even though they may be carrying few passengers at the time. Pleasure yachts are also exempted. (Section 262—1894.)

under the Imperial Act. Under section 691, depositions made on oath are admissible in the United Kingdom when the witness himself is not in the United Kingdom, and admissible in evidence in any British Colony or Possession if the witness is not himself in that Colony or Possession.

Non-compliance with certain sections of the Merchant Shipping Acts.

6. Any serious instance of refusal or neglect on the part of a Master of a vessel to comply with section 124 of the Merchant Shipping Act, 1894, or sections 28–31, 36–38, 43, Merchant Shipping Act, 1906, should be reported at once to the authorities of the Colony or Possession in which the vessel is registered, as well as to the Board of Trade if the vessel trades to the United Kingdom.

Right of Complaint: General.

7. Any seaman or apprentice who desires to make complaint to a Justice of the Peace, or an officer in command of one of H.M. ships, is to be permitted to go ashore in proper custody, or, in the case of complaint to a naval officer, to the ship of such officer, in order to make such complaint; and if the Master without reasonable cause refuses to allow it, he will be liable to a fine of £10. (Section 211—1894.)

Right of Complaint: Provisions and Water.

8. The right has been given to any three or more of the crew of a British ship to complain to a Superintendent or Officer of Customs if the provisions or water for the use of the crew are of bad quality, unfit for use, or deficient in quantity. (Section 198—1894.) Upon such complaint being made, that officer should, unless he is satisfied that it is frivolous or vexatious, have the provisions or water examined. If the result of the examination is such as to satisfy him that the complaint is well founded, he should cause a notice in writing to be given to the Master of the ship, specifying the particulars in which the provisions or water are found to be bad, unfit, or deficient, and requiring the Master to provide proper provisions or water, and giving him notice that if he fails to do so he will be liable to a fine of £20. If, on the other hand, the result of the examination shows that there was no reasonable ground for the complaint, each of the complainants will be liable on the order of a Court of Law to forfeit a sum not exceeding one week's wages, and of this the officer should inform them when they first make the complaint.

The officer directing, or the person making, the examination, should enter a statement of the result in the Official Logbook, and a report of the proceedings should be sent to the Board of Trade. This report may be produced in evidence in subsequent legal proceedings by either of the parties. (Section 198—1894.)

Under section 199 of the Merchant Shipping Act, 1894, seamen whose allowance of provisions has been reduced or whose provisions have been bad in quality and unfit for use,

are entitled to compensation for such reduction or bad provisions subject to the conditions of that section or of section 25, subsection 2, of the Merchant Shipping Act, 1906.

The provisions and water to be furnished to the crew are shewn in Schedule I to the Merchant Shipping Act, 1906; under section 25 of that Act, for the purposes of section 199, every member of the crew is deemed to have stipulated for provisions in accordance with the statutory scale, and a master failing to furnish provisions accordingly is liable, if the failure is due to his neglect or default, to a fine of £100.

Health of seamen.

9. The attention of Colonial Officers is especially called to the requirements of the Merchant Shipping Act with regard to the carrying of medical stores and medicines, and the serving out of lime juice or other anti-scorbutics. (Section 200—1894.) The requirements of the Merchant Shipping Act with regard to medicines and anti-scorbutics are stated in paragraphs 160 and 161.

Changes in crew.

10. The engagements and discharge of all Royal Naval Reserve men, and all changes in the crews of vessels whose Agreements have been opened or are to close in the United Kingdom, or on the Continent of Europe, between the river Elbe and Brest, are to be entered in the Form C.C. 21. The several sheets should be detached and forwarded to the Registrar-General of Shipping and Seamen (Tower Hill, London, E.) by the first mail after the end of each month, or more frequently if possible. The sheets should be numbered consecutively.

Dangers to navigation.

11. Colonial Officers should ascertain from the Master of every British vessel arriving at a Colonial port whether any danger to navigation has been sighted during the voyage, and if so, should obtain replies to the questions given in Form CC. 24. The report on this form should then be transmitted to the Assistant Secretary, Harbour Department, Board of Trade, London, S.W.

In urgent cases, *i.e.*, when derelict, or wreckage, or sunken wreck, or ice appears to be a serious danger to navigation, the matter should be reported by telegraph.

No difficulty will probably be experienced in obtaining these particulars when it is understood that they are required solely for the purpose of lessening the danger of navigation, and no impediments should be placed in the way of those desirous of obtaining early information of this kind; as the information is obtained officially in the public interest, it should not be given exclusively to any one person or body.

12. Communications from the Board of Trade need not be acknowledged. But a reply, where such is required, should be sent as soon as possible. Correspondence.

Communications to the Board of Trade on matters to which the foregoing instructions relate (except paragraph 11), and on general questions of administration, should be addressed to the Assistant Secretary, Marine Department, Board of Trade, London, S.W.

Communications with regard to the repatriation of seamen, the relief of distressed seamen, the wages and effects of deceased seamen, or of seamen left behind, and accounts, should be addressed to the Accountant-General, Finance Department, Board of Trade, London, S.W.

13. The British Government Telegraph Code should be used whenever possible. The registered telegraphic address of the Board of Trade is "Boneblack, London." Telegrams.

"Berluccio" is the code word for "Board of Trade" used in the body, or at the termination, of messages sent by the Marine or Finance Departments.

14. Whenever a report is made concerning a British ship, the Port of Registry and the official number should be given. When any report is made concerning a Master, Mate, or Engineer, the number of his Certificate, whether of service or of competency, and whether Imperial or Colonial, should be stated. Reports.

15. A list of the forms to be used by Colonial Officers is given in Appendix K. When such forms are not printed in the British Colony or Possession, requisitions should be addressed to the Storekeeper, Board of Trade Stores, Poplar, London, E. Forms which are out of date (*e.g.*, forms in which reference is made to sections of the Merchant Shipping Act, 1894, which have been repealed) should be replaced by those of recent issue. Forms.

If forms are required solely for the use of vessels registered in the Colony or Possession, a charge is made for them, and the requisition should be forwarded through the Agent General or Crown Agents in accordance with the directions given on the printed form of demand contained in the Order Book for Forms.

[Blank page for alterations and additions to preceding section.]

SECTION II.

ENGAGEMENT OF SEAMEN.

Preliminary.

16. Colonial Officers should give every facility for direct engagement at the shipping office, and should not give official recognition to any shipping agents nor allow them to be present at the engagement or discharge of seamen, and should in every way discourage Masters and seamen from utilizing their services.

Engagement of seamen.

17. The Master of a British ship is bound to enter into an agreement with every seaman whom he carries to sea as one of his crew, and whenever such seaman is engaged at any port in a British Colony or Possession to serve in a ship registered either in the United Kingdom or in some other British Colony or Possession, the Master must enter into an agreement with him, and the agreement must be signed in the presence of some officer being either a Superintendent or, if there is no such Superintendent, an Officer of Customs. (Sections 113–115, 124—1894.) An exception is made with regard to substitutes engaged at the last moment. (Section 115 (4)—1894—*see* paragraph 37.)

Opening Articles of Agreement.

18. When Articles of Agreement are opened for the crew of a British ship not registered in the Colony, the officer before whom the agreement is made should be guided by the following instructions. (Paragraphs 19–41.)

Form of Agreement.

19. The Agreement must be in the Form Eng. 1, and must be drawn up strictly in accordance with the provisions of section 114 of the Merchant Shipping Act, 1894.

Description of voyage.

20. As regards the description of the voyage (section 114, (2*a*)—1894), the most frequent practice is to state the first destination of the ship, the inclusive limits of the voyage, and the maximum period of service. The officer should do what he can to ensure that the voyage is clearly and accurately described. Cases have occurred in which Agreements were held by a Court to be invalid on the ground that the term of service was not sufficiently defined. Expressions such as "wherever freight may offer" or "expected term of service" should be strongly discouraged.*

The form of Agreement contains spaces for the insertion of all the terms required by section 114.

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* The Board of Trade have been advised that the expression "and adjacent seas" following immediately after "Black and Mediterranean Seas" does not include the Red Sea.

The vague use of the words "Continent of Europe," to mean the Continent of Europe between River Elbe and Brest, inclusive, should be discountenanced.

Number and description of crew.

21. The "number and description of the crew" (section 114 (2*b*)—1894) can be ascertained from the body of the Agreement, and is not usually inserted as a separate term. The number "engaged as sailors" (the term "sailor" is taken to mean deckhand) should be inserted in the second line of the agreement, and must be the number actually engaged at the time.

Additional clauses.

22. When it is desired to insert a clause containing a stipulation, under section 114 (3), as to the minimum manning of the vessel, care should be taken that it is so worded as to be effective.

Such a clause is printed, together with others in frequent use, on a gummed slip, of which a supply can be obtained from the Storekeeper, Board of Trade Stores, Poplar, E.

The clauses on the slip are not specially recommended by the Board of Trade for adoption, but they have been printed in order to facilitate the preparation of Agreements and to secure uniformity in wording. When the slip is used any clauses not adopted should be cut off or effectually struck out.

Disciplinary Regulations.

23. The regulations for maintaining discipline approved by the Board of Trade (section 114 (2) (*g*)) are those printed on page 3 of the Form of Agreement (Eng. 1).

Scale of Provisions.

24. The scale of provisions is prescribed by section 25 and Schedule I. of the Merchant Shipping Act, 1906, and must be contained in the Agreement, as required by section 114 (2) (*f*).

Illegal stipulations: Stipulations of questionable legality.

25. The Agreement may contain (section 114 (3)), "such stipulations . . . . as are not contrary to law." The officer should object to the insertion of any stipulation which is contrary to Act of Parliament.

If it is proposed to insert the following clause:—"The said Master shall be entitled to deduct from the wages of the said crew respectively the following amounts, viz.:—For not joining at the time specified in column 11, two days' pay, or any expenses which have been incurred in hiring a substitute, and for absence from the ship at any time without leave, a sum not exceeding two weeks' pay; and it is hereby mutually agreed that any dispute arising on the subject of these deductions shall be settled by the Superintendent of a Mercantile Marine Office, Consular Officer, or Shipping Master abroad, and that his decision shall be final."—it should not be allowed to be inserted. The Board of Trade have been advised that it is contrary to law.

If it is proposed to insert a stipulation of questionable legality, the officer should point out that it may be held to be invalid, should a dispute arise, and if the Master insists

on inserting it and the officer thinks it probably contrary to law he should modify his certificate (Appendix B 1) accordingly.

A stipulation is sometimes inserted in Agreements to the effect that the crew may be discharged at a foreign port. Masters should be informed that no stipulation will enable them to discharge their crews in a foreign port without the sanction of the Consul, or relieve them from the necessity of providing the men with employment or a passage home. Seamen should be informed that in the event of their being discharged at a foreign port under such stipulations they would be entitled to be provided with employment or to be sent home. (Sections 30, 32—1906.)

A seaman may not by any stipulation in the Agreement abandon his right to wages in case of the loss of the ship, or abandon a right to salvage; any such stipulations, if inserted, would be void. (Section 156—1894.)

Procedure at engagement.

26. The Master and crew being in attendance, the officer should see that the Master's name is on the ship's Certificate of Registry.

The provisions of section 92, Merchant Shipping Act, 1894, relating to officers' Certificates of Competency or Service, apply only to ships going to sea from ports in the United Kingdom, but similar provisions are in force in the majority of British Colonies or Possessions. Even where none exist any Certificate held by a Master, Mate, or Engineer should be produced, and its number should be inserted opposite the name of the possessor in any Form in which his name is written.

Certificates of Competency of equal validity with those issued by the Board of Trade are issued in certain of the Colonies under section 102, Merchant Shipping Act, 1894. A list of such Certificates will be found in Appendix A.

Preparation of Agreement.

27. The Agreement must be drawn up in duplicate (the second or office copy on the Form Eng. 1, printed in red).

The officer must see that it is properly drawn up, that the successive folios, if more than one, are properly numbered, and that all the blanks are properly filled up.

Reading over of Agreement.

28. Before the Agreement is signed, the officer must read it over to the crew or cause it to be read over to them in his presence, or otherwise make sure that they fully understand it.*

* When it is proposed to engage a seaman who does not understand the English language, if the agreement is to terminate in the United Kingdom, and there is no provision for the seaman's repatriation, the Officer should inform him that the language test in force in the United Kingdom (Section 12—1906) will make it impossible for him (unless he can prove that he is a British subject) to secure employment there on a British ship.

Signing of Agreement.

29. The Master must then sign the Agreement and the duplicate in the officer's presence, and afterwards each member of the crew must sign, or (if he cannot write) make his mark, in turn. In no case is any other person to be allowed to sign or make a mark for a seaman.

Attestation of signatures.

30. The officer should attest each signature or mark and endorse on the Agreement a statement in the form given in Appendix B 1 (*b*).

Attendance of apprentices.

31. Any apprentices intending to serve on the voyage must be in attendance; their indentures must be produced, and the apprentice's name, with the date of his indenture, and the name of the port where it is registered, must be entered on the Agreement.

Rating of A.B.

32. The officer should refuse to enter a Seaman as A.B. unless he proves that he has served at sea for three years before the mast, or for two years on board a decked fishing vessel and one year in a trading vessel. (Section 58—1906.)

When a statement has been made on page 3 of a seaman's continuous discharge book by the Registrar-General of Shipping and Seamen, or by a Superintendent of a Mercantile Marine Office in the United Kingdom, to the effect that a seaman is eligible for the rating of A.B., the statement should be accepted as proof of the seaman's title to be so rated.

The service may also be proved by certificates of discharge, by a certificate of service from the Registrar-General of Shipping and Seamen, or by other satisfactory proof. (Section 126—1894.)

Crew's copy of Agreement.

33. After the attestation of the signatures the officer should see that the copy of the Agreement (Form U.), which is to be made accessible to the crew (section 120—1894), corresponds with the Agreement and should sign it.

Continuous discharge books.

34. An entry should be made in the Agreement over the name of each man who does not produce a continuous discharge book (Dis. A.), and an entry should be included in the endorsement (Appendix B1) stating whether or not the books were produced on engagement, and if produced were handed to the Master.

Advance notes.

35. Every Advance note should be examined by the officer. He should see that the amount entered thereon agrees with the amount signed for on the Agreement, and that the note does not bear the endorsement of any shipping fee. The note should in all cases be handed by the officer direct to the seaman.

36. The officer should inquire of the seaman, *after he has signed the Agreement*, whether he requires an allotment, and if so, should enter a stipulation to this effect in the Agreement (section 61, Merchant Shipping Act, 1906). The regulations as to allotment notes are contained in sections 141–3 of the Merchant Shipping Act, 1894, and section 62 of the Merchant Shipping Act, 1906, which provides that a payment under an allotment note shall begin at the expiration of one month from the date of the Agreement, and shall be made monthly thereafter. Allotment notes must be in the form approved by the Board of Trade (Form L.*). A power is given to sue summarily upon Allotment Notes unless it is shown that the seaman has forfeited, or has ceased to earn, his wages. (Section 143—1894.) The officer should see that the Allotment Notes are properly filled up, that the counterfoils correspond, and that the particulars are entered in the Agreement. The Allotment Notes may be delivered to the crew at once. **Allotment notes.**

37. The officer should supply the Master with an Official log book of a size suitable to the intended voyage. The Master should also be supplied with Forms F 1 of accounts of wages, a few Forms B and D 1, and a form for reporting any changes in the crew taking place after clearance from the port (Form Eng. 2*a*). These and the forms of Agreement are to be supplied free of charge. **Official log books.**

38. The duplicate (office copy) of the Agreement should be forwarded to the Registrar-General of Shipping and Seaman, if the ship is registered in the United Kingdom, within one month of the date of the Agreement. If the ship belongs to a British Colony or Possession, the duplicate should be sent to the Shipping Master at the port to which she belongs, provided it can be sent free of charge. If not, it should be kept for six months beyond the maximum period of the Agreement, and in the event of no inquiries being made during that time, it may then be destroyed. **Office copy of Agreement.**

When the duplicate is sent to the Registrar-General of Shipping and Seamen it will not be necessary to enter any particulars in the Form CC 21, beyond the name of the ship and the date on which it is forwarded.

39. The formalities to be observed in the case of the engagement of individual seamen will be inferred from the preceding paragraphs. Each signature or mark must be attested and a statement endorsed on the agreement in the form given in Appendix B 1 (*a*). **Engagement of individual seamen.**

40. The officer should, if he has any suspicion that a seaman is making a false statement as to his own name or that of his last ship, warn him that a wilful false statement **False statements.**

of either will render him liable to a fine of five pounds, to be deducted from his wages. (Section 227—1894.)

The officer should ask each seaman to produce his discharge from his last ship and should verify, as far as possible, the statement made as to last ship or previous employment.

Engagement of deserter.

41. The officer has no legal power to refuse his sanction to the engagement of deserters; but when a seaman is suspected of having illegally left a ship which is still in port, he can prevent him from re-engaging until it is made clear that the suspicion is incorrect.

Alterations in Agreements.

42. Where an Agreement has been made with seamen, and the parties to it desire to make an alteration in it while at a port in a British Colony or Possession, all persons interested in the alteration must appear before some Justice, Superintendent, Officer of Customs or other public functionary and signify their consent, and such officer should endorse upon the Agreement an attestation that the alteration has been made with such consent, in the form given in the Appendix B 2.

Any erasure, interlineation, or alteration in an Agreement will be wholly inoperative unless so certified. (Section 122—1894.)

Workmen's Compensation Act, 1906.

42*. It is essential that sufficient particulars of all seamen and apprentices shipped on British vessels should be carefully kept at the shipping office at a Colonial port so that a certificate under Section 174 of the Merchant Shipping Act, 1894, may be readily supplied if and when required for the purposes of Section 7 (1) (*g*) of the Workmen's Compensation Act, 1906, as proof that seamen and apprentices were on board a ship should the ship be lost after leaving a Colonial port. The counterfoils of Form CC 21 will serve for keeping the particulars required for making out certificates.

A form of certificate exists on which the necessary information can be given when asked for (Form CC 11). There is no special form for depositions under Section 7 (1) (*c*) of the Workmen's Compensation Act, 1906.

SECTION III.

DISCHARGE OF SEAMEN.—GENERAL.

Forcing seamen ashore.

43. Any Master or other person belonging to a British ship who wrongfully forces a seaman ashore, or otherwise wrongfully leaves him behind, is guilty of a misdemeanour.* (Section 43—1906.)

Sanction of Colonial Officer necessary to discharge.

44. Whenever the Master of any British ship proposes to discharge or leave behind at any place in a British Colony or Possession any person belonging to his ship, he must apply to the Superintendent or other officer there (sections 30 and 36—1906). The officer to whom such application is made should then examine into the grounds of the proposed discharge, or into the grounds on which the man is to be left behind, and may, if he thinks it necessary, administer oaths for that purpose. The sanction to the discharge, or certificate of the circumstances in which the seaman has been left behind (unfitness, or inability to proceed, desertion, disappearance), must in all cases be endorsed in writing, and should be as nearly as possible in the forms given in Appendices B 3, B 4, and B 5.

Sanction to the discharge of a seaman is not required when the discharge is in the British Colony or Possession where the seaman was engaged, and sanction should not be refused when the seaman is discharged on the termination of his service. (Section 30—1906.)

Discharge on termination of Agreement.

45. Accordingly the officer cannot refuse to sanction the discharge if the Agreement has actually terminated. The cases in which he has discretionary powers are those where it is proposed to discharge a seaman, by mutual consent or otherwise, before the expiration of the Agreement. If the vessel on which the seaman is serving is, at the time when the Agreement actually terminates, on her way home to the United Kingdom or to the British Colony or Possession in which the seaman was engaged, the officer should, in ordinary circumstances, discourage a claim by a seaman to be discharged.

Discharge before such termination.

46. It is the duty of the officer to prevent, as far as possible, British seamen from being left unprovided for at his port. If it is a port from which few vessels clear, he should refuse, except in very extraordinary cases, to sanction the discharge of seamen there, especially when the vessel is proceeding to a port where there are better opportunities of obtaining employment or a passage home.

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* A misdemeanour is punishable by fine or by imprisonment not exceeding two years. (Section 680, Merchant Shipping Act, 1894.)

Consent of seaman necessary.

47. In considering the propriety of granting or withholding his sanction, the officer should remember that the discharge cannot lawfully be effected without the consent of the seaman himself.

Doubtful cases.

48. When a seaman applies to be discharged on the ground of a serious breach of agreement (*e.g.*, that the ship has been or is going on a voyage not provided for in the Articles), or of ill-treatment, or of danger to life, the officer should enquire into the case to the best of his ability, and if he is unable to effect a settlement, should leave the matter to be determined by a court of law. If the matter cannot be settled in either way, and the seaman declines to proceed with the ship, the officer should endorse on the Articles a statement of the circumstances in which the seaman has been left behind in such a way as to leave the position open between the parties. Should proceedings ultimately be taken by the seaman for recovery of wages, it may be possible for him to show to the satisfaction of the Court that "he had sufficient reasons for leaving his ship" (section 231 (2)—1894); on the other hand, the owners may be able to prove to the Court that the wages, or some portion, are liable to be forfeited for desertion or some other offence. (Section 221—1894.)

Certificate of Discharge.

49. Whenever seamen are discharged from a British ship in a British Colony or Possession, they must be given a Certificate of Discharge in the proper form. (Section 31—1906.)

In the United Kingdom and at the ports of Hamburg, Rotterdam, Antwerp, Dunkirk, and Havre, Seamen are given a Certificate of Discharge in the Form Dis. A., a continuous discharge book.* At all other ports the Form Dis. 1, a single sheet Certificate, is given, except to seamen already possessing a book Dis. A.

Particulars of service.

50. When such seamen are discharged the officer should see that the particulars of service and discharge are entered in the spaces provided.

Report of character.

51. A copy of the report of character cannot be entered if the seaman states that he does not wish to have it. Under section 129, the seaman may have a copy of the report of his character endorsed on his Discharge Certificate, and spaces are provided in the Discharge Certificate for this purpose; or he may have a copy of the report given him on a separate sheet, and a special Form (Dis. B) has been provided for this purpose; or he may refuse to have any copy of the report of his character.

* Instructions relating to Discharge Books (Dis. A) have been issued by the Board of Trade to Superintendents in the United Kingdom, and although these Instructions are not wholly suitable for use at colonial ports, they are reprinted at the end of this volume (Appendix D) for the guidance of Colonial Officers so far as circumstances permit.

52. It is to the interest of seamen to have the report of character endorsed on the Discharge Certificate; but if a seaman objects to this, he should be told that the character spaces in the Discharge Certificate will not be left blank, but will be filled up with a statement that the endorsement is not required, and that any separate report of character will be of little value for the purpose of procuring employment. Endorsement of report of character.

53. When a copy of the report of character is given, either on the Discharge Certificate or on the separate sheet, it should be an exact copy of the character entered in the official log. Four stamps, which fit the spaces in the book, have been sanctioned by the Board of Trade for the purpose of making the copies, viz., Very Good, Good, Decline to Report, and Endorsement not required. The last entry is always made when the character is not entered in the Discharge Certificate. Should any other report than Very Good, Good, or Decline to Report be given and a copy be required, the entry is always made in manuscript. The character spaces in the Discharge Certificate are never to be left blank. If a seaman is given "Very Good" for conduct, and a different report upon his ability, or *vice versâ*, he should not be given a copy of the "Very Good," and a statement that endorsement is not required with regard to the remainder of the report. He must have a copy of the entire report, or none. Procedure.

With a view to guarding against the use of counterfeit stamps, when the entry as to character in the Discharge Certificate is either "Good," "Decline to Report," or "Endorsement not required," the signature of the officer should be written across the three columns on the page provided for the copy of report of character, in order to facilitate the detection of alterations. The signature should be commenced upon the spaces for the stamps.

54. As the success of the continuous Discharge Certificate depends largely on the manner in which the report of character is given by the Master, the officer should use his influence, when necessary, to see that the character is justly given and in accordance with the seaman's deserts. He should resist any attempt to give men bad characters when they are not deserved, or to give good characters to men who have been logged for serious offences, unless the log bears an entry condoning the offence. Any person making a false report of character knowing the same to be false, is guilty of a misdemeanour, which is punishable by fine or by imprisonment not exceeding two years (section 130—1894). Character reports.

55. Any entry of promotion or disrating should be initialled by the Master both in the agreement and in the Promotion or disrating.

Discharge Certificate. A disrating should date from the entry in the official log of such disrating, as required by section 59 of the Act of 1906, and reduction of wages should not take effect until the entry was made and a copy furnished to the seaman.

Wages of seamen discharged.

56. When a seaman is discharged the Master must deliver to him an account of his wages (Form F1), and should pay to the seaman himself the amount which is proved to be due (Section 38—1906). The officer should see that the matter is properly transacted and, if necessary, arbitrate between the parties. The power of granting or withholding his sanction to the discharge will in most cases enable him to see that justice is done.

The principles on which the settlement of wages should be made are stated in paragraphs 64–73.

The cases in which expenses should be met from the wages of seamen taken in charge by the officer are stated in paragraphs 74 and 75.

Action with regard to wages.

57. The officer has no legal power to demand or hold wages in ordinary cases of discharge ; and payment to him does not discharge the party making it from any liability to which he would otherwise be subject. If the parties interested consent to refer the matter to his arbitration, and to deposit the wages with him in the meantime, he may safely accept them, but unless this is done, he may possibly, by holding them, expose himself to liabilities as a stakeholder. A seaman may except from the release signed any specified claim or demand against the master or owner (section 60—1906). In such cases the seaman should sign the release on Form M, and a reference to the Form should be made in the agreement opposite the seaman's name. (Paragraph 69.)

Payment of wages.

58. The wages of seamen must be paid within two clear days after they lawfully leave the ship at the end of their engagement. (Section 134—1894.)

Remittance of wages by Money Order.

59. At Aden, Bombay, Calcutta, and Chittagong, Seamen's Money Orders are issued, and at these ports the officers should point out to seamen on discharge the advantages of this system for sending money home.

Payment in foreign money.

60. If wages should be paid in any other currency than that stated in the Agreement payment shall be made at the rate of exchange for the money stated in the Agreement for the time being current at the place where the payment is made (section 139—1894). The Board of Trade are advised that under this section when a seaman is paid in any other currency than that stated in the Agreement he should receive the equivalent in currency of the amount to

which he would be entitled if paid in sterling, the calculation being based upon the recognised rate of exchange ruling at the port, and that if no single rate obtains but two rates are quoted, one for buying cheques and the other for selling cheques, the buying rate should be taken. Any stipulation in the Agreement to the effect that money advanced to seamen in foreign money, or that wages paid abroad in foreign money, shall be computed at certain specified rates of exchange is invalid.

Wages of wrecked seamen.

61. In the event of wreck the seaman is entitled to wages for all the time prior to the date on which he quits the service of the ship, unless it is shown that he has not exerted himself to the utmost to save ship, cargo, and stores. Such right ends with the termination of the service.

[Blank page for alterations and additions to preceding section.]

SECTION IV.

SEAMEN DISCHARGED OR LEFT BEHIND THROUGH UNFITNESS OR INABILITY TO PROCEED.

NOTE.—*In this section the words "discharged" and "left behind" should be regarded as having the same meaning. For the definition of "seaman" see the Distressed Seamen Regulations I.* (2), *paragraph* 102.

Paragraphs 64–73, *dealing with the settlement of wages, apply to all seamen discharged.*

Certificate of proper authority required.

62. Section 36 of the Merchant Shipping Act, 1906, forbids the leaving behind of a seaman at any place out of the United Kingdom (except where he is discharged at the termination of the agreement or with the sanction of the proper officer) unless the Master previously obtains the certificate of the proper authority.

Where the ground of the leaving behind of a seaman is unfitness or inability to proceed on the voyage, the officer should not grant a certificate for leaving behind unless he is satisfied that the man is in reality unable to do his duty on board, and that adequate grounds exist for sanctioning his discharge.

Medical certificates.

63. Where, in cases of illness, the officer is not so satisfied, he should, before granting his certificate, require the production of a certificate from an unbiassed medical practitioner, stating that the seaman's health or the health of those on board requires his removal from the ship. The cost of such certificate must be borne by the ship.

Account of wages.

64. The officer shall require from the Master (section 37—1906) a full and true account, in duplicate, of the wages due to the seaman on the Form CC 6. In filling up the certificate at the foot of the Form CC 6, the officer will state the nature of the illness or injury, mentioning particularly, if sickness, whether due to venereal disease or to the man's own wilful act or default or misbehaviour, and, if injury, whether in the service of the ship. (Section 34—1906.)

Such an account, with particulars of the cause of discharge, should also be rendered when seamen are discharged by order of a Court.

Checking of account.

65. The account of wages should be submitted to the seaman for his approval unless he is incapable of attending to it. The officer should compare it with the Agreement and Official Log and the Master's book (section 133 (2)—1894) in which deductions from wages are entered, and no deduction should be allowed unless it is duly entered and proved to the officer's satisfaction to be just.

Calculation of wages.

66. Wages should be calculated by the calendar* month; they commence at the time the seaman is required to be on board or begin work by the Agreement, and they are usually regarded as ceasing at the time when the seaman lawfully ceases work, or leaves his ship at the termination of his engagement, the day on which the wages commence and that on which they cease both being included.

In sickness and injury cases the wages should be demanded to the date of the official certificate of discharge (*see* section 158—1894 and Appendix B3). As long as there is a reasonable prospect of a seaman recovering in time to continue the voyage the officer should refuse to discharge him.

If any question is raised as to the date on which wages terminate the officer should exercise his discretion in making a settlement, and, when necessary, report the facts to the Board of Trade.

Irregular deductions.

67. The officer should refuse to pass deductions from wages which are clearly contrary to any provision of the Merchant Shipping Acts, as, for instance, for medical expenses, &c., which come within section 34, Merchant Shipping Act, 1906, subsections (1), (2), and (3).

Where deductions are claimed which, though contemplated by the Merchant Shipping Acts, properly require an order of a Court, the officer should not pass them unless he satisfies himself that they are equitable, and that the seaman fully understands and acquiesces in them.

Fines and forfeitures.

68. In the case of vessels registered in the United Kingdom and not permanently engaged in the local (coasting) trade of a Colony, fines inflicted under the Regulations sanctioned by the Board of Trade under section 114—1894, and printed on page 3 of the Form of Agreement of foreign-going ships, should be claimed by the officer and accounted for to the Board of Trade (section 44—1906). In other cases fines should be retained by the Colony to which the vessel belongs.

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* Attention is called to a decision of the Court of Appeal (Migotti *v.* Colville, 1879, C.P. 233), that the term "a calendar month" is a legal and technical term, the meaning of which is that in computing time by calendar months, the time must be reckoned by looking at the calendar and not by counting days; and that one calendar month is to be calculated *from the day of the first month to the day numerically corresponding to that day in the following month less one.*

This decision should be followed in all cases, including those in which the month of February may introduce some anomaly.

Thus, it follows from the decision referred to that a calendar month beginning on January 29, 30, or 31 would end on February 28, except in leap year when the calendar month commencing January 30 or 31 would end on February 29.

Particulars of fines received for the Board of Trade should be rendered on the Form CC 25.

Forfeitures agreed to by special clauses on the face of the Agreement may be retained by the Master if the stipulations are not contrary to law and if the offence is proved.

Forfeitures inflicted by a Court for infringements of section 225 of the Merchant Shipping Act, 1894, should be dealt with as laid down in section 232 of that Act.

Seaman's release Form M.

69. When a seaman desires to except from the release signed by him any specified claim or demand he should sign the release on Form M, which has been altered to meet the case, and the claim or demand should be noted on the back of the Form.

A reference to the Form M should be made in the space in the Agreement opposite the seaman's name in which he would in the ordinary course have signed.

Payment of wages.

70. When the seaman's account of wages has been approved the Master must pay the balance and deliver the man's effects. A duplicate copy of the account CC 6 should be handed to the Master.

When by bill on owners.

71. Whenever practicable the payment is to be made in money, and the officer should not receive payment by bill unless he is satisfied that it is impossible for the Master to raise money on loan by bottomry bond or otherwise. When the payment is by bill the officer must certify on the bill that it is drawn on account of seaman's wages, and see that the seaman endorses it. The bill should be drawn at sight. If for acceptance by owners in the United Kingdom, it should be transmitted without delay to the Board of Trade for collection, together with the account of the seaman's wages (CC 6). The officer should not make any advance to a seaman on the security of a bill, and when reporting the case should notify particulars of the seaman's movements to enable a settlement to be made with him.

Wages to be credited in quarterly account.

72. The money received on account of seamen's wages must be brought into the officer's quarterly account current (Form CC 18), and the amounts entered in the proper column of Form CC 10. The accounts of wages on Forms CC 6 should be transmitted therewith to the Board of Trade. Accounts of wages showing "nil" balances should also be forwarded if any transactions in respect of the seamen have taken place, or if they are sent to another port, or to the United Kingdom.

Disposal of wages.

73. The officer has no specific statutory power over the wages of seamen left behind on the ground of unfitness or inability to proceed, and payment to the officer does not relieve a Master from his legal obligation to pay the wages to the seaman himself, as required by section 38 (1) of the Merchant Shipping Act, 1906. In all cases, however, in which seamen are left in the charge of the officer, it is desirable that he should do all that he legitimately can to obtain their consent to the wages being deposited with him. A form of agreement is given on the account of wages, Form CC 6, to be signed by the seaman when the wages are transferred to the officer.

The payment to the seamen themselves of wages to defray their expenses should be particularly discouraged, as there is always a great possibility of their squandering the money and subsequently becoming distressed.

When the wages are chargeable with expenses (*see* following paragraph) it should be made clear to the seamen that their relief, &c., under the direction of the officer, is conditional upon the wages, or a portion thereof sufficient to meet expenses, being transferred to him.

Wages chargeable with expenses.

74. The wages of seamen are applicable, as far as possible, towards meeting the expenses incurred on their behalf when discharged or left behind on any of the following grounds:—

(*a.*) Venereal disease, or an illness due to the seaman's own wilful act or default or to his own misbehaviour. (Section 34—1906.)

(*b.*) Mutual consent during the currency of the agreement, when the seaman has been discharged at his own request, and when no provision has been made by the ship for his repatriation, &c.

(*c.*) Desertion or disappearance (if the wages are accounted for under section 28—1906); imprisonment for misconduct; discharge from ship by order of a naval court for misconduct; or, as regards the expenses incurred for return to a proper return port, when the seaman has been discharged at the port at which he was shipped, or at a neighbouring port. (Section 42—1906.)

(*d.*) Barratry (broaching cargo, embezzlement of stores, &c.).

Wages payable to seaman.

75. In cases of injury in service, or illness not coming within the exceptions stated in section 34 of the Merchant Shipping Act, 1906, the balance of wages should be paid, without deduction, to the seaman on his recovery, unless he is being sent to a proper return port.

In the excepted cases (*see also* preceding paragraph) all expenses must be deducted from the money received, and the balance should only be paid to the seaman if he obtains employment on another ship or permanent employment on shore.

Whenever a settlement is made by the officer with a seaman who goes out of charge finally, the Form CC 7 should be used, upon which the seaman's receipt for the balance paid to him should be obtained. One copy of the account on Form CC 7 should be given to the seaman, and another copy transmitted to the Board of Trade as a voucher, with the officer's account. The officer will take credit in his quarterly account for the payment, entering the amount of wages paid, and also the expenses, in the proper columns of Form CC 10.

Seamen sent to another port abroad.

76. If the officer finds it necessary to send the seaman to another port abroad in search of employment or for a passage thence to a proper return port, the balance is not to be paid to him, but the officer at the port should be advised of the amount of the balance, with other particulars relating to the seaman, per Form CC 14*a*. The circumstances which rendered his transfer to another port necessary should be stated on the Form CC 10 sent to the Board of Trade.

If a seaman is sent to another port abroad by a British ship a Conveyance Order (Form CC 14) should be used, and in that case the required information relative to the seaman and the balance of his wages (if any) must be furnished on the Order.

It is important that the seaman's proper return port (*i.e.*, the final port of destination) should be stated for the guidance of the officer at the port to which the seaman is sent.

Seamen sent to proper return port.

77. If the seaman is sent to a proper return port either in the United Kingdom or abroad under Conveyance Order (*see* Distressed Seamen Regulations, paragraph 102), or if his wages have been paid to the officer by bill, he should not be paid the balance. The necessary settlement with the seaman will be made by the officer at the port of arrival, or if the wages have been paid by bill such officer will receive instructions from the Board of Trade respecting the sum payable to the seaman (*see* paragraph 78).

Seamen arriving at officer's port

78. When a seaman is sent under Conveyance Order to the officer's port by another Colonial officer, or by a British Consular officer, the Master of the conveying vessel should be required to attend with the seaman and to make the declaration on the second page of the Form CC 14.

The officer will examine the claim, and pay it if correct, and will also pay to the seaman any balance which may be due, unless the man is *en route* to another port.

If the seaman's wages are chargeable with expenses (*see* paragraphs 74 and 75), the sum paid to the Master for conveyance, and also for medical attendance, if any, during the voyage, must be deducted from the balance shown on the Order to the seaman's credit.

The Conveyance Order, with the receipts of the Master and seaman for sums paid to them, should be transmitted as a voucher with the officer's quarterly account in which the charges appear.

When a seaman is sent to the officer's port with Form CC 14*a*, the balance of wages due should only be paid if the seaman obtains employment or goes out of charge finally. The seamen's receipt in these cases should be obtained on Form CC 7.

Advances of cash to seamen.

79. In cases where it is quite clear that expenses are not chargeable to a seaman's wages, and when the seaman has an adequate balance to receive upon going out of charge finally, either in the United Kingdom or at a port abroad, the officer may, if desired, advance to him a small sum from his wages to buy tobacco, &c. Such advances are to be made entirely at the discretion of the officer, and it must be understood that they are for disbursements for which the ship's owners are not liable. Advances of this kind should be entered in the "wages paid" column of the Form CC 10, and care should be taken that they are deducted from the balance of wages shown to the seaman's credit on the Conveyance Order, or on Form CC 14*a*. Seamen's receipts for cash advances must be forwarded with the quarterly account.

Discharge books of men left behind.

80. The discharge books of men left behind from any cause should be obtained, properly entered up, from the Master of the vessel. The entry should not be "voyage not completed" unless the man deserted or disappeared. An endorsement should be made on the Agreement showing whether the book has been delivered by the Master. (Appendix B 4.)

SECTION V.

SICK AND INJURED SEAMEN.

81. The officer may take charge of a sick seaman who is temporarily removed from his ship for the purpose of preventing infection or otherwise for the convenience of the ship. **Sick seamen temporarily removed from ship.**

82. The Master should pay the expenses of removal, subsistence, medical advice and medicine until the seaman returns to the ship, or until the officer endorses the Agreement with a certificate that he is unfit or unable to proceed on the voyage. **Incidence of expenses.**

The officer will request hospital authorities to inform him within twenty-four hours of the admittance into hospital of any seaman from a British ship. He should make them understand that until the patient is discharged from his ship (an occurrence which should be notified to them at once), he remains at the charge of the ship.

83. Under section 34 of the Merchant Shipping Act, 1906, owners are liable for the medical treatment and maintenance of Masters and seamen (including apprentices) who have been injured in the service of the ship, or suffer from any illness, not being venereal disease, or an illness due to their own wilful act or default or to their own misbehaviour, until they are cured, or die, or are returned to a proper return port (section 45—1906). The liability also includes the cost of conveyance to a proper return port. **Liability of shipowner.**

Owners are also liable, subject to the exceptions mentioned, in cases where a seaman is temporarily removed from his ship for the purpose of preventing infection, or otherwise for the convenience of the ship (section 34 (2)—1906), and subsequently returns to his duty.

If any expense incurred by the officer in such cases is not repaid by the Master or ship's agents, it should be entered in his quarterly account with the Board of Trade.

84. In practice the officer may regard a seaman as "cured" when he is sufficiently recovered to be able to accept employment. **Interpretation of "cured."**

If the seaman is unable to work, or employment cannot be found for him, he should be sent to a "proper return port" as soon as an opportunity offers.

85. The officer should see that when a seamen who is remaining by the ship desires, in accordance with the provisions of section 63 of the Merchant Shipping Act, 1906, to remit a portion of his wages to a savings bank, or to a **Remittance of wages by seamen.**

near relative in whose favour an allotment note (section 141—1894) may be made, the Master shall give all reasonable facilities for the purpose, although they need not be given if the sum would become payable before the ship leaves port (section 63—1906). Any failure on the part of the Master to comply with the requirements of the last-mentioned section should be reported to the Board of Trade.

Excepted cases.

86. In the excepted cases indicated in section 34 (1), viz.:—when a seaman is suffering from venereal disease, or an illness due to his own wilful act or default, or to his own misbehaviour ; the expenses of hospital treatment, &c., are a charge on the seaman's wages, as far as possible ; and in such cases the Master may debit the wages of the seaman with the expenses incurred on his behalf during temporary removal from the ship (section 34 (4)).

When in these excepted cases a seaman is left behind in charge, the expenses incurred by the officer must also be debited to wages, and only the balance, if any, remaining be paid to him upon his obtaining employment or going out of charge finally. The account of wages received and expenses incurred should be rendered on Form CC 7, a copy of which should be handed to the seaman.

If seamen be sent to another port abroad, or to a proper return port, under Conveyance Order, the officer should be careful to see, in all cases where the wages are chargeable with expenses, that his disbursements are deducted, and that only the balance of wages, if any, remaining to the seamen's credit is shown on the Form CC 14*a* or CC 14 transmitted to the officer at the port to which they are proceeding.

Clothing for sick and injured seamen.

87. The cost of clothing should be charged to the wages of seamen except when the clothing is supplied to replace destroyed articles in cases of injury in service, or illness (infectious diseases) not due to a seaman's misbehaviour, &c., or when rendered necessary in consequence of such injury or illness.

Doubtful cases of sickness and injury.

88. Whenever it is doubtful whether a case of illness comes within the exceptions in section 34 the wages should be retained and a special report made to the Board of Trade.

The wages should also be retained in cases of injury received by seamen whilst on shore, unless it is clear that the seaman was engaged upon ship's business at the time.

Payment of wages to seamen.

89. The balance of wages due to a seaman discharged on the ground of illness or injury in service should only be paid to him on re-engagement or obtaining other employment, and when there is no likelihood of his becoming distressed and then applying for relief.

90. When a sick or injured seaman is discharged from hospital it will be necessary for the officer to make arrangements for his disposal as promptly as circumstances will permit. If the seaman has recovered, and is in a fit condition to work, employment should if possible be found for him. If no employment offers, or if the seaman is not able to work, the officer will exercise his authority under sections 45 and 47 of the Merchant Shipping Act, 1906, and decide as to the proper return port of the seaman, *i.e.*, the final port of destination, and the route by which he is to be sent. Disposal of sick seamen.

91. Colonial seamen should be sent to their own colony whenever possible. It is very desirable that natives of tropical colonies should not be sent to the United Kingdom, but to the colony to which they belong or to a neighbouring tropical colony, whenever there are legal and reasonable means of doing so. Colonial seamen.

92. Foreign seamen serving on British ships are entitled to the same treatment under the Merchant Shipping Acts as British seamen, when their discharge is in consequence of injury in ship's service or illness not due to their own fault or misbehaviour. Foreign seamen.

If suffering from illness or injury due to their own fault or misbehaviour, foreign seamen should be referred whenever possible to the Consular Representative of the country to which they belong, their wages, if received by the officer, being transferred at the same time to such Representative. If assistance be refused and it is absolutely necessary for the officer to take charge of foreign seamen in such circumstances an explanation should be furnished by him to the Board of Trade with his quarterly account. (*See* Appendix C Agreements as to Distressed Seamen.)

93. The wages of seamen suffering from venereal disease are applicable towards meeting the expenses incurred on their account. Venereal disease. (section 34).

94. The officer has no legal power to sanction any deduction from a seaman's wages under section 160 of the Merchant Shipping Act, 1894, solely on the ground that he was off duty through the effects of venereal disease.* Deductions for time off duty (venereal disease)

Deductions, however, in such cases, that are in themselves equitable, not directly in opposition to legal provisions, and knowingly and willingly agreed to by the seaman, should not be disallowed.

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* Venereal disease is specifically mentioned in section 34 of the Merchant Shipping Act, 1906, but the Board of Trade are advised that this does not affect the question whether the disease is brought about by a seaman's own wilful act or default within the meaning of section 160 of the Merchant Shipping Act of 1894, and they have been advised that the disease should not necessarily be regarded as due to the seaman's own wilful act or default within the meaning of that section.

If he so desires a seaman should be allowed to except from the release on form M any portion of his wages which has been deducted on the ground that he has been incapacitated from performing his duty through venereal disease.

Log entries.

95. Where seamen are left behind or discharged on the ground of illness or injury the officer should see that proper entries are made in the Official Log (section 240 (5) (7) of the Merchant Shipping Act, 1894).

Deposits to meet expenses.

96. The expenses necessarily incurred by the officer and charged in his accounts for sick and injured seamen will be claimed by the Board of Trade in ordinary course from the owners, when the latter are liable under the Merchant Shipping Acts. There is no legal obligation on the Master in these cases to deposit a sum of money for the purpose of meeting possible expenses.

Where a deposit is required under local law or ordinance, the officer will make a settlement direct with the Master or ship's agents whenever possible, but if desired, the Board of Trade will repay to owners in the United Kingdom the balance of any such deposit which may be unexpended and credited in the officer's quarterly account.

Full particulars of the deposit and of the officer's disbursements should be transmitted.

SECTION VI.

DISTRESSED SEAMEN.

97. The officer should be careful not to incur expenses for seamen who are unable to establish their title to be relieved under the Distressed Seamen Regulations. **General.**

In general, and subject to the conditions stated in the Distressed Seamen Regulations which follow, the persons who may be relieved under section 41—1906 are :—

(1.) Seamen of any nationality who are in distress after being shipwrecked, discharged, or left behind, from a British ship or one of His Majesty's ships;

(2.) Seamen of British nationality in similar circumstances after being engaged in a foreign ship.

98. Relief and passages home should only be afforded when absolutely necessary to British seamen who have deserted or whose distress may be said to have resulted from their own misconduct, and should be withheld if they neglect to avail themselves of any opportunity of obtaining employment. **Deserters.**

99. When a seaman who belongs to one of the following countries :—Austria-Hungary, Denmark, France, Germany, Italy, Norway, Sweden, applies for relief, and whose last sea-service was on a British vessel, the officer will be governed in his action by the terms of the International Agreement (*see* Appendix C). If it be clear that the seaman's destitution is due to his own fault, he should be referred to the Consul or representative of his own country. If, however, the case is covered by the Agreement, the foreign seaman will be entitled to be relieved in the same manner as a British seaman. **Foreign seamen in distress, and British seamen from foreign ships.**

Foreign seamen when returned to their own countries or colonies are not entitled to further relief under the International Agreements at the cost of the British Government.

Foreign seamen belonging to countries with whom there is no Agreement may only be taken in charge when their distress is consequent on shipwreck, illness, or when illegally left behind. (*See* paragraph 92.)

In the case of discharged seamen who have subsequently become distressed, the officer should refer to his own Consul any foreign seaman whose wages at the time of discharge were sufficient to maintain him for a reasonable period, or to provide a passage to his own country or to a colony of that country.

The wages (if received) of British seamen discharged from foreign ships are chargeable with expenses incurred for maintenance, conveyance, &c.

Distressed Colonial seamen.

100. Seamen belonging to other colonies who may fall in distress and are entitled to relief should be sent whenever possible direct to their respective colonies, and expenses should only be charged to the Board of Trade when the officer is unable to recover his disbursements from the Government of the colony to which the seaman belongs. Natives of tropical colonies should not, in general, be sent to the United Kingdom, but to the colony to which they belong or the port at which they were shipped. (*See also* paragraphs 109 and 110.)

Rendering of particulars.

101. Particulars of distressed seamen taken in charge should be rendered on the Form CC 6*a*, except in the case of a shipwrecked crew.

The birthplace and home address of colonial seamen should be stated.

Distressed Seamen Regulations.

102. The Regulations made by the Board of Trade under section 40, Merchant Shipping Act, 1906, are as printed below :—

DISTRESSED SEAMEN REGULATIONS.

Definitions of "proper authority" and "Seamen."

I. For the purpose of these Regulations, unless the context otherwise requires :—

1. The expression "proper authority" means :—

(*a*) As respects a place out of His Majesty's dominions the British Consular Officer, or, if there is no such officer in the place, any two British merchants resident at or near the place, or, if there is only one British merchant so resident, that British merchant ; and

(*b*) As respects a place in a British possession the governor of the possession, or any person acting under his authority ; and

(*c*) As regards a place in the United Kingdom a Superintendent of Mercantile Marine.

2. The expression "seamen" includes apprentices to the sea service and every person (except masters and pilots) employed or engaged in any capacity on board any ship.

II. The persons entitled to be dealt with under these Regulations, and who are hereinafter referred to as distressed seamen, are :—

Persons who may be relieved. Section 41.

(*a*) Any seamen, whether subjects of His Majesty or not, who are found in any place out of the United Kingdom, and have been shipwrecked from any British ship or any of His Majesty's ships, or by reason of having been discharged or left behind from any such ship in any place out of the United Kingdom, are in distress in that place, or

(*b*) Any seamen, being subjects of His Majesty, who have been engaged by any person acting either as principal or agent to serve in a ship belonging to the government or to a subject or citizen of a foreign country, are in distress in any place out of the United Kingdom.

Limitation of time.

III. If three months have elapsed since a seaman left his last ship before he applies to the proper authority for relief he shall not be entitled to be dealt with under these Regulations.

Stowaways.

IV. Stowaways and other persons not on the Articles of a ship are not entitled to relief unless they have been employed or engaged in some capacity on board the ship leaving them behind.

Relief to be discontinued in certain circumstances.

V. When the proper authority is satisfied (by medical certificate or otherwise) that a seaman is fit to work, no further relief should be granted to him if he refuses to accept reasonable employment.

Wrecked seamen.

VI. In case of shipwreck the date on which each member of the crew will be entitled to relief may vary according to the time when he ceases to be employed in connection with the wreck.

Nature of relief.

VII. Distressed seamen are to be relieved and maintained upon the most reasonable terms possible but only until employment can be found for them or arrangements made for their return to a proper return port.

Clothing and medical expenses.

VIII. Distressed seamen may, if necessary, be supplied with clothing and bedding but in no greater quantity or of better quality than is absolutely required. Officers are to be furnished with clothing of the same quality as that supplied to seamen. Medical advice and medicine may be provided when necessary.

Period of relief.

IX. No definite period can be fixed during which a seaman should receive relief, but in every case in which relief is continued for more than a month a special report of the circumstances shall be furnished by the proper authority to the Board of Trade.

Disposal of distressed seamen.

X. Seamen who are in receipt of relief from a proper authority and are unable to ship or to find other employment shall be sent to a proper return port as soon as practicable, but the proper authority at any place en route to such return port shall, if possible, obtain employment for the seaman.

Proper return port. Sections 45 and 47.

XI. A proper return port may be either the port at which the seaman was shipped or a port in the country to which he belongs.

The question of the return port to which, and the route by which, a seaman should be sent shall be decided by the proper authority who shall have regard both to the convenience of the seaman and to the expense involved, and also, where that is the case, to the fact that a British ship which is in want of men to make up its complement is about to proceed to a proper return port.

In the case of a seaman belonging to a British possession who has been shipped and discharged out of the United Kingdom, the proper authority may treat a port in the United Kingdom as a proper return port.

Mode of providing for return. Section 46.

XII. A seaman may be sent to a proper return port by any reasonable route either by sea or land or partly by sea and partly by land.

For the whole or any part of the route which is by sea, the proper authority shall place the seaman on board a British ship which is in want of men to make up its complement, or, if that is not practicable, shall provide the seaman with a passage in a British ship in accordance with Regulation No. XVII.

Conveyance by foreign ships.

XIII. Whenever there is no British ship in which a distressed seaman can be sent either to a proper return port or to a port en route thereto, the proper authority may, if he considers it desirable, secure a passage for him in a foreign ship on the best terms obtainable.

If the passage be not prepaid, application should be made by the master of the ship to the proper authority at the port to which the seaman has been so conveyed.

Expenses of journey. Section 46.

XIV. In cases in which it is found impossible to arrange for a seaman's return as prescribed in the two preceding Regulations, the proper authority may provide a seaman with money for his passage, and as to any part of the route which is by land, may pay the expenses of his journey and of his maintenance during the journey, or provide him with means to pay those expenses.

Return port to be specified.

XV. The proper authority at the port where a seaman is originally relieved having determined, as hereinbefore mentioned, the return port to which the seaman is entitled to be sent, should indicate that port on any document issued for his conveyance to that port or to any place en route to such return port.

Action of proper authority at places en route. Section 46.

In cases of distressed seamen who cannot be sent direct to their proper return port, the proper authority at any place en route, and in the case of expenses required to be incurred in the United Kingdom, the Superintendent of Mercantile Marine, the officer hereby named by the Board

of Trade for this purpose, may defray, on behalf of the authority originally making arrangements for the distressed seaman's return to a proper return port, any expenses on account of that seaman which the authority originally acting in respect of him could defray.

XVI. The proper authority shall, whenever practicable, endorse upon the Agreement of any British ship in which distressed seamen are to be conveyed, either to a proper return port or to a port en route to such port, the name of each man put on board, specifying the day he embarks, and shall also fill up, sign, and deliver to the master of such ship an Order in a form approved by the Board of Trade (hereinafter called a Conveyance Order), showing thereon either the port to which, or the country to a port in which, the seaman is entitled to be sent.

Endorsement on Agreement and issue of Conveyance Order.

XVII. The master of every British ship, to whatever port it may be bound, is required to receive on board his ship and afford a passage and maintenance to all distressed seamen, in compliance with the Conveyance Order issued by the proper authority, not exceeding one for every 50 tons burden, and shall during the passage provide every such distressed seaman with a proper berth or sleeping place, effectually protected against sea and weather.

Obligation of Masters of British ships to convey seamen. Section 48.

On arrival at the port to which a seaman has been so conveyed the master shall produce the Conveyance Order to the proper authority, and on satisfying him that the seaman has been so conveyed, maintained, and provided for by him in excess of the number, if any, wanted to make up the complement of his crew, shall be paid at the following rates, viz. :—

Rates of passage.

For a certificated officer or apprentice, four shillings and sixpence a day.

For other members of a crew, three shillings a day.

For a Lascar, one shilling and sixpence a day.

If conveyed in vessels the property of the same owners as those to which the persons conveyed have belonged, only half the above rates should be paid.

XVIII. Unless superior accommodation and subsistence be provided, the rates payable for certificated officers and apprentices will be the same as for the other members of a crew.

Certificated officers and apprentices.

XIX. Whenever a ship with distressed seamen on board, who have been rescued or picked up at sea, arrives at a port, the proper authority may pay the master of the ship for their subsistence at the rates hereinbefore mentioned.

Rescued seamen.

Foreign seamen.

XX. Expenses under these Regulations must not be incurred for foreign seamen, after serving on a British ship, when in their own countries or in the colonies of their own countries.

Seamen mentally deranged.

XXI. In order to provide for the passage to a proper return port of a distressed seaman suffering from mental derangement, the proper authority, with the object of ensuring that requisite care and attendance shall be given to the seaman during the voyage, may make a special arrangement with a master agreeing to pay, if necessary, such sum for the passage in addition to the usual allowance as may appear fair and reasonable under the circumstances. A copy of the agreement so entered into should in every case be forwarded to the Board of Trade as soon as possible, and also, in any case where it is desirable to send the seaman to a foreign port or to a port in a British possession, whether en route or otherwise, to the proper authority at that port.

In the case of a seaman arriving under such circumstances at his port, the proper authority may in addition to the usual allowance pay to the master the amount of the extra passage money on production of such an agreement, and upon being satisfied that the seaman has received the special care and attendance stipulated for. An immediate advice of such a payment, together with the original agreement and the receipt of the master for the passage money, should be sent to the Board of Trade.

Seamen at infected ports.

XXII. Whenever a passage to a proper return port is required for a distressed seaman at a port infected at the time with cholera, yellow fever, or plague, or for a distressed seaman who has suffered from any of those complaints, whether the port from which he is sent be an infected port or not, a Certificate should be obtained by the proper authority from a duly qualified medical practitioner that he is not a source of danger to others. The Certificate should state the nature of the disease from which the distressed seaman has suffered, and should be given to the Master of the conveying ship for production, if necessary, to medical and sanitary authorities at other ports, and should be retained by him until the distressed seaman reaches his proper return port, or, in the case of a seaman conveyed to an intermediate port, the Certificate shall be delivered with the Conveyance Order to the proper authority at such port.

Certain cases of illness. Section 34.

XXIII. In the case of a seaman discharged or left behind suffering from venereal disease or any illness due to his own wilful act or default or to his own misbehaviour, who has to be dealt with under these Regulations, the expense of providing necessary surgical and medical advice and attendance and medicine, and also the expenses of the maintenance of such seaman until he is cured, or dies, or is returned

to a proper return port, and of his conveyance to such port, and in the case of death the expense (if any) of his burial shall be met as far as possible out of his wages.

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103. The officer should not order a passage by sailing ship for a distressed seaman when the voyage is likely to be of long duration, unless it is impossible to send him away in a steam vessel, or overland, or to another port where there are better facilities for his disposal. The question of the expense in such cases and of the enforced unemployment of the seaman are to be carefully considered. *Conveyance by sailing ship.*

104. When the Master of a British ship refuses without reasonable cause to take a distressed seaman under Conveyance Order (Form CC 14) issued by the officer, a full report of the facts, accompanied by the original Order and the statements, on oath, of witnesses, should be forwarded to the Board of Trade to enable them to decide whether proceedings can be instituted against the Master. It is desirable that the distressed seaman should be present when the Order is delivered to the Master. If the Order is left with the Master, a duplicate should be forwarded. *Refusal to convey distressed seamen.*

The disposal of the seaman should also be notified, and, if sent later to the United Kingdom, he should be given a letter addressed to the Superintendent of the Mercantile Marine Office at the port to which he is proceeding explaining shortly the circumstances of the case, and the man should be instructed to deliver it immediately on arrival.

105. The officer will observe (Reg. No. III.) that a seaman is not entitled to be relieved at the expense of Imperial Funds if three months have elapsed since he left his last ship. *Three months' limit.*

Relief, however, may be extended to any seaman beyond this period provided that he came in charge either of the officer or of the local authorities within those three months, for such period as he remains continuously in the officer's charge beyond this limit.

106. When absolutely necessary in the interests of discipline that ships' officers and apprentices should be provided with separate and superior accommodation and subsistence, a slightly higher rate than that paid for ordinary seamen may be allowed, but such rate is not to exceed half as much again as that paid for seamen. *Boarding expenses for ships' officers.*

107. The payment of wages to wrecked crews immediately following the loss of their ship does not exempt the owners from legal liability for necessary and subsequent expenses incurred for relief and repatriation which are consequent upon the shipwreck. When, however, in such cases a seaman elects to go out of charge and provide for himself, *Relief of wrecked seamen when wages paid.*

the officer cannot prevent the seaman doing so, but he should point out to him that he will be disentitled to further relief.

Local laws and Ordinances affecting relief.

108. When seamen are illegally left behind, the operation of local law or regulations will in some cases provide a remedy against the Master or Owners without recourse to the officer acting at the port on behalf of the Board of Trade. (Sections 264 and 265—1894.)

Canadian seamen.

109. Whenever a distressed seaman belonging to Canada, and who last served in a ship registered at a port of the Dominion, receives relief, he should sign an affidavit in the form of affidavit for Canadian distressed seamen. (*See* Appendix K.) The affidavit should be sent with the officer's Quarterly Account to the Board of Trade. If the seaman is unable to make the affidavit, the reason must be stated against his name in the column for remarks, Form CC 10.

Lascars.

110. Whenever a distressed seaman being a native of British India is relieved, attention should be drawn to the fact by writing against his name, in the column for remarks on the Form CC 10, the words "Native of India." The birthplace of the seaman and port of engagement should also be given.

The officer should take every means in his power, by reference to the seamen's continuous discharge certificates, and otherwise, to test the truth of any representations made to him by Asiatics that they are distressed British seamen.

The officer should also direct the Master of the vessel in which he may send any distressed Asiatic seaman to India to hand over the man immediately on arrival in India to the Police Authorities with all necessary papers and information. The proper authorities will by this means be able to ascertain the man's home, so that if misrepresentations have been made, they will be in a position to bring him to justice.

Masters.

111. The owners are liable under section 34 of the Merchant Shipping Act, 1906, for the medical and other expenses, as defined by that section, which are necessarily incurred for a Master who has been injured in the service of his ship, or who suffers from illness not due to misbehaviour, &c.

In cases of shipwreck, or destitution not attributable to injury or illness (Section 34), a Master is expected to pay his own expenses, and the officer should not afford relief unless the Master is unable to obtain credit or private assistance. In such cases, if relieved, the Master should be required to sign an undertaking to repay the expenses on his behalf in the form given in Appendix E.

Only necessary and reasonable expenses may be incurred for Masters, and the Guarantee, with the Master's private address stated thereon should be transmitted with the officer's quarterly account.

SECTION VII.

DESERTION AND DISAPPEARANCE.

112. In the case of desertion or disappearance the presence or absence of the certificate under section 36, Merchant Shipping Act, 1906 (*see* paragraph 116), largely determines the owner's liability for the expenses incurred should the seaman fall in distress. (Section 42, Merchant Shipping Act, 1906.) **Certificate of proper authority.**

113. No general rules can be laid down for determining what constitutes desertion. One of the decisive points will always be the existence or non-existence of an intention on the part of the seaman to return to his ship. In the majority of cases, however, his intention can only be inferred from other circumstances, such as the length of his absence, and the fact that he has removed his effects or not. Here the officer must be guided by his own experience and the circumstances of each case. **Desertion.**

114. If the officer is satisfied that reasonable endeavours have been made to trace a seaman without success, but has at the same time grounds for believing that the case is not one of desertion, he should certify disappearance. If there is any reason to suspect death a full description of the man's personal appearance, clothes, &c., should be obtained for purposes of identification in case the body may be found. **Disappearance.**

115. Arrangements in the shape of Treaties, Conventions, Agreements, Declarations and Notifications, have been entered into between Great Britain and the principal foreign countries (as shown in Appendix G) for the mutual surrender of seamen, not being slaves, who desert from merchant ships of either country at ports situated in the territories or colonies of the other. (Section 238—1894.) **Recovery of deserters.**

In the event of the desertion of a seaman or apprentice from a foreign ship, the officer should, if applied to by the Master of the vessel, give any assistance in his power, by reference to the local police authorities or otherwise, to secure the apprehension and compulsory conveyance on board his ship of such deserter. The apprehension and compulsory conveyance on board will require the warrant of a magistrate.

These arrangements for the surrender of deserters do not apply when the deserter from a foreign ship is a British subject.

116. Whenever a seaman is left behind on account of desertion, an entry of the desertion must be made in the Official Log, and must be signed by the Master and also by the Mate, or one of the crew (section 228—1894). This **Entry in Official Log.**

entry in the Official Log must be shown to the officer (section 229—1894), and he will then investigate the allegation of the desertion so made; and if after full inquiry he is satisfied that it is correct, he should endorse upon the Agreement a certificate, in the form in Appendix B 5, in accordance with the provisions of Section 36, Merchant Shipping Act, 1906.

Insufficient evidence of desertion.

117. If the evidence of the desertion rest upon the Master's unsupported statement, or should otherwise appear insufficient, an endorsement should be made to the effect that the seaman is reported as missing or as a deserter, but the officer should not pledge himself to the truth of the report.

Certified copy of entry of desertion.

118. Under section 229 of the Merchant Shipping Act, 1894, the officer is required to make and certify a copy of the entry of every case of desertion in the Official Log, and to transmit the copy to the Registrar-General of Shipping and Seamen. These certified copies (Form CC 27) may be required to be produced in evidence when proceedings are taken by the owners of a ship to procure the forfeiture of a deserter's wages. (Section 231—1894.)

Wages subsequently earned by deserters.

119. The officer before whom a seaman is discharged has no power to withhold, pending legal proceedings, wages earned by such seaman subsequently to desertion from a ship on which he previously served.

Discharge books of deserters.

120. The discharge books of deserters should be obtained, properly entered up, from the Master of the vessel.

In such a case the words "voyage not completed" should be written across the blanks relating to service and the blanks relating to character, and the entries should be initialled and stamped. The officer should see that particulars of engagement are properly entered, so that in every case at least the name of the vessel, &c., on which the seaman failed to complete the voyage is shown.

Disposal of discharge books.

121. The books, if not claimed by the owners, should not be retained indefinitely, and after the lapse of a fortnight, unless the owners are known to be still at the port, should be forwarded to the Registrar-General of Shipping and Seamen.

When a deserter has re-engaged without claiming his book, the book should be sent home immediately.

Notification of disposal of discharge books.

122. A note should be made in column 8 of the Report of changes in crews (Form CC 21), showing how the discharge books of deserters have been disposed of.

It will then be unnecessary to forward any other notification to the Registrar-General of Shipping and Seamen with reference to the books sent home.

SECTION VIII.

DISCIPLINE.

123. It is impossible to lay down general rules on this matter which will meet every case, and the officer must be guided by his own discretion, the circumstances of the case, and the legal and administrative machinery to which resort can be made in the locality in which the difficulty occurs. General.

124. The officer should bear in mind that the responsibility for the maintenance of discipline on board ship rests with the Master. Any resort to legal proceedings should be made by the Master. If the Master is unable to enforce his authority and the case does not appear grave enough for recourse to legal proceedings, the officer may suggest that the seaman or seamen should be discharged. Responsibility of Master.

125. The officer's right to sanction the discharge of a seaman (section 30, Merchant Shipping Act, 1906) may be sufficient to enable him to settle a dispute between a Master and seaman, and may afford a means of punishment of minor offences by an arrangement between the parties that certain deductions should be made from wages, or in other cases that certain sums should be paid as compensation. The officer can point out what fines or penalties provided by the Merchant Shipping Acts are applicable, and he will also have, in many cases, an additional guide in the fines and regulations sanctioned by the Board of Trade for certain offences (*see* paragraph 23). But he should always remember that the consent of both parties is necessary to such settlements, and that his position is not that of a magistrate but of an arbitrator. Position of Colonial Officer.

In grave cases the matter should be left to be settled by magisterial proceedings or a court of law.

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SECTION IX.

WAGES AND EFFECTS OF DECEASED SEAMEN.

126. Section 169 of the Merchant Shipping Act, 1894, provides that where any seaman or apprentice dies during the progress of a voyage which is to terminate in the United Kingdom, the Master shall take charge of his money and effects and may have all or any of the effects sold by auction. By section 29 of the Merchant Shipping Act, 1906, the same procedure shall be followed in respect of the property of deceased seamen and apprentices belonging to a British ship (registered in the United Kingdom) whose voyage terminates out of the United Kingdom. In such a case the proper officer there shall exercise the same powers (described in the paragraph following) as he may exercise in the case of a ship whose voyage is to terminate in the United Kingdom. General.

In general it is desirable that only those effects should be sold which would deteriorate by being kept.

127. If the ship whose voyage is to terminate in the United Kingdom remains at any port out of the United Kingdom for 48 hours the Master must report the case to the proper officer, and if the settlement of the claims of the relatives would be unduly delayed if the property were left on board till the arrival of the vessel in the United Kingdom the officer should require from the Master the payment of the balance of wages, either in cash or by bill on the owners, and the delivery of effects or of the proceeds of the sale of them, together with an account in the Form CC 15. (Section 170—1894.) Delivery of wages and effects.

128. The account shall be verified in accordance with section 170 (6), and otherwise treated in the same way as accounts of the wages of seamen left behind through unfitness or inability to proceed (*see* paragraphs 64–74). The charges for burial are often exorbitant, and the officer should, in accordance with the said section, disallow so much of any such charge as is not "reasonable." Verification of account of wages.

129. A Master has no power at law to detain a seaman's effects or the proceeds of their sale in order to cover advances made to him. Advances.

130. Any case in which a Master fails to account for the wages should be at once reported to the Board of Trade, and a statement of the facts should be endorsed on the Agreement. Failure to comply with the law.

131. The receipt or non-receipt of the wages and effects should be endorsed on the Agreement. The wages should be credited to the Board of Trade in the Quarterly Account Current (Form CC 18), but the officer should also forward at Endorsement of receipt of wages and effects.

the close of each of the first two months of every quarter a Schedule (Form CC 23) of the sums received by him in the course of the month and remaining to the credit of the estates of the deceased after deduction of any expenses incurred, together with the relative accounts of wages.

Disposal of effects.

132. In general it is desirable that seamen's effects should be sent home; in such cases the officer should endeavour to send them free of expense, and with as little delay as possible. They should be addressed to the Superintendent of the Mercantile Marine Office at the port in the United Kingdom to which the vessel conveying them is bound, together with an advice in the Form CC 16, and an endorsement to the effect that they are on board should be made on that vessel's Agreement. The advice (Form CC 16) should clearly show all charges for conveyance, disinfection, &c., which have been incurred and which have not been deducted from the wages.

Such effects, however, as are likely to deteriorate by being kept should be sold, and effects may be sold when undue delay or expense would be caused by sending them home; in such cases the officer should state the reasons for the sale on the Form CC 15, and forward an account in Form CC 17 with the Account Current.

Effects of seamen who were resident in the Colony.

133. If any seaman whose wages and effects are received by an officer in a British Colony or Possession has been resident in that Colony or Possession his wages and effects may be handed over to his relatives there, the account being forwarded to the Board of Trade as usual.

Seamen dying in port.

134. When any seaman or apprentice belonging to any British ship, or who within the last six months has belonged to a British ship, dies in port, the officer should claim his money and effects. The money should be credited to the Board of Trade in the Account Current. A separate account in the Form CC 8 should be sent to the Board of Trade, whether any balance is due to the estate or not. The effects should be dealt with as in ordinary cases.

Illegal stipulations not to affect calculation of wages.

135. A stipulation in the Agreement to the effect that money advanced to seamen during the voyage in dollars or rupees, or that wages paid abroad, shall be computed at certain specified rates of exchange, should not be allowed to apply to the settlement of accounts of wages of seamen who have died during the voyage or at the port. (*See* paragraph 60.)

In order to avoid loss to the estates of the deceased seamen in cases in which Masters desire to make use of a rate of exchange other than that ruling at the time, the officer

should notify in his receipts and endorsements upon Agreements that the amounts are received only on account of wages due to the estate of the deceased seaman, so that any balance short paid may be recovered on the vessel's return to the United Kingdom.

In the event of the Master of a vessel which is to terminate her voyage in the United Kingdom declining to take a receipt "on account," the officer should refuse to receive from the Master less than the amount properly due to the seaman's estate, and should at once report the facts of the case to the Board of Trade, in order that the full amount may be recovered. In such cases the accounts, with all the items properly checked, should be transmitted to the Board of Trade without delay.

A receipt may in such cases, if the Master wishes, be given for a specified amount in foreign currency stated to be equal to so much sterling at the rate of exchange used by the Master.

136. Directions respecting the effects of seamen dying of contagious or infectious diseases are given in paragraphs 163–4. Contaminated effects.

The expense of disinfecting articles sent home should be charged against the estate of the deceased seaman.

137. The effects of Masters who die in foreign ports are to be treated in the same manner as those of other British subjects. Their Certificates of Competency or Service should be sent to the Registrar-General of Shipping and Seamen, or to the proper Colonial authority. Effects of Masters.

138. The money, wages, and effects of Lascars dying in the course of any voyage the Agreement for which is terminable at an Indian port, are to be accounted for on arrival at that port. The officer should, however, endorse the Agreement to the effect that the death has been noted by him, and that the property will be accounted for at the proper time and place. Effects of Lascars.

In any other case when a Lascar has died in the course of the voyage, or at the port before the ship leaves, and the officer is of opinion that the settlement of the claims of relatives will be unduly retarded if the wages, &c., remain in the Master's possession, he should require from the Master payment of the wages of the deceased, and the delivery of his effects, or of the proceeds of the sale of them, and transmit the property, without delay, to the Superintendent of Mercantile Marine at that Indian port at which the Lascar was engaged, or which is nearest to the place where his relatives reside.

In such cases an endorsement should be made on the Agreement to the effect that the wages, &c., have been received and will be forwarded to the port of engagement, and an account on the usual Form (CC 15) should be furnished to the Board of Trade showing to what port the property has been sent.

Effects of foreign seamen.

139. The British Government has agreed with the Governments of France, Germany, Russia, Sweden, Norway, Denmark and Italy, to hand over the wages and effects of any seamen belonging to these countries who die on board British merchant vessels, or within British territory (Appendix F). The officer should accordingly deal with the wages and effects of such seamen as if they were British subjects, furnishing an account to the Board of Trade on the Form CC 15, and consigning the effects to the Superintendent, Mercantile Marine Office, Dock Street, London, E.

The property of deceased Danish and Italian seamen should, in accordance with the Agreements with Denmark and Italy, be handed over to the nearest Consul of the country to which the seaman belonged.

SECTION X.

WAGES AND EFFECTS OF SEAMEN LEFT BEHIND.

140. Accounts of wages and effects of seamen left abroad by reason of desertion, neglect to join the ship, or any other conduct constituting an offence under Section 221 of the Merchant Shipping Act, 1894, must under Section 28, Merchant Shipping Act, 1906, be rendered on forms L. *a.* 1 (*a*) and payments made by the master on the conclusion of the voyage at the port at which the agreement is terminated. In the case of running agreements the accounts should be rendered at the termination of the particular voyage during which the leaving behind occurred. **Rendering of accounts.**

If the agreement has been lost by wreck or other causes the accounts are to be rendered when the crew are paid off.

When the master has rendered and signed the accounts, they should be carefully examined by the "proper officer" (*see* next paragraph), who should place his initials against every deduction of wages, whether in the delivery or reimbursement accounts, as to the accuracy and justness of which he is satisfied ; and should disallow any items which in his opinion are not properly chargeable. It will be convenient if any alteration or disallowance of an item is shewn in red ink.

141. The "proper officer" at a port in a British Possession is defined as being "a superintendent, or, in the absence of "any such superintendent, the chief officer of Customs at or "near the port." (Section 28 (11)—1906.) **"Proper officer."**

142. The conditions under which a master is exempted from rendering accounts are set forth in Section 28, Subsection 12, Clauses (*a*), (*b*), (*c*) and (*d*). **Exemptions.**

There is no exemption under Clauses (*b*) and (*c*) if the master exercises his option to deal with the accounts collectively. Otherwise, if it can be seen by *inspection of the ship's agreement*, either that the seaman has not earned £5, or that, although he has actually earned more than £5, yet by reason of advance or allotments the amount due is less than £5, the case at once falls within the exemption under Clause (*b*), and it is immaterial whether there are any other deductions that can properly be made.

If the case does not fall within Clause (*b*) in the manner indicated, the master or owner may still be able to show that by reason of other deductions (not being reimbursement expenses) the case falls within Clause (*c*). In a case within Clause (*b*) no account can be called for or is wanted. In a case within Clause (*c*), strictly speaking, no account as such

can be called for, but the master must, by production of the "master's book," or in some other way, satisfy the proper officer that the net amount due to the seaman is less than £3.

The master is not entitled to exemption under Clause (*b*) in respect of advances or allotments which are not entered on the agreement.

Effects.

143. The master should not be required to deliver effects when exempted from payment of wages under Section 28, Sub-section 12, Clauses (*b*) and (*c*). But in any case, though actually exempt, he may, if he so desires, be allowed to render an account and to deposit any wages or effects on the seaman's behalf. Whenever wages and effects are so deposited, as well as in any case in which the master considers that the seaman had no intention of deserting, but was left behind through mischance, it is desirable (to save further reference to him or the owners as required by the penultimate paragraph of Sub-section 8) that he should either state on the back of the L. *a.* 1 (*a*) account that he has no objection to the return of the wages and (or) effects to the seaman, or give a certificate to that effect, which can be attached to the account.

If the master has given his consent there is no objection to the return of the effects to the seaman, if he appears at the port, but, as relief and other expenses may have been incurred on his behalf, wages should not be returned to him without reference to the Board of Trade.

If the effects are required to satisfy reimbursement expenses (Sub-section 3) they should be sold as soon as possible after delivery, the proceeds of sale being shown in the column provided on Form L. *a.* 1 (*a*). In other cases unclaimed effects may, at the discretion of the proper officer be retained for a limited period (say three months) before being sold, or they may be dealt with as if they were the effects of deceased seamen. Effects in a filthy or unwholesome condition may be destroyed.

Entries in official logs.

144. When the master is not exempt from the provisions of Section 28 he is required to enter in the official log book a statement of the effects left on board by the seaman, and of the amount due to him at the time he was left behind (Sub-section 1a). The officer receiving the official log book should compare the entry with the amount recorded in the L. *a.* 1 (*a*) account, and if in any case the master has failed to make the necessary entry his attention should be drawn to the requirement of the sub-section and to the penalty to which he has rendered himself liable under Sub-section 10, and he should be cautioned against future neglect.

Date of leaving behind.

145. The date on which a seaman finally leaves the ship must be regarded as the date when he was left behind, and if he has not done any work on the day when left behind, wages should not be claimed for that day.

The delivery account.

146. The delivery account will show the amount due to the seaman at the time when he was left behind. The deduction column should therefore only contain such items as would have appeared in the seaman's wages account had he been discharged on the day he finally quitted the ship.

As damage to a boat or other ship's property taken by a deserting seaman for the purpose of enabling him to leave the ship can only be made good out of his individual wages, any reasonable amount allowed by the "proper officer" by way of compensation must appear in the delivery account.

Substitutes.

147. A master is entitled to relief whenever he can satisfy the proper officer by entries in the official log book or otherwise, that in consequence of the absence (without leave) of a seaman left behind he was put to expense in hiring a substitute. If the expense was incurred previous to the date of leaving behind it may be allowed and shewn as a deduction in the delivery account. If incurred subsequent to the leaving behind only the excess wages (if any) paid to the substitute should be allowed—the amount being shewn in the reimbursement account. The period of substituted service should always be shewn on the L. *a.* 1 (*a*) account.

The reimbursement account.

148. No claim to reimbursement must be allowed unless the master can shew that he has necessarily been put to expense by the absence of the seaman in cases where the absence is due to desertion, neglect to join his ship, or any other conduct constituting an offence under Section 221, Merchant Shipping Act, 1894. Trouble caused and time lost should not be assessed and introduced into the account, and, generally speaking, only such items should be passed as would ordinarily be allowed out of the seaman's wages if proceedings were taken against him in a court of law under the provisions of Section 221 aforesaid.

"Blood money."

149. A deduction for "blood money" or any sum paid in consideration of the supply of a seaman to be engaged in the place of one who has been left behind, may be allowed if the master can produce a receipt for payment, and a certificate from the British Consular or Colonial Officer at the port at which the charge is incurred, stating that the sum was paid for engaging substitutes in the place of seamen left behind through desertion, &c., and that, so far as he is aware, the substitutes could not have been engaged without such payment.

Consular and Colonial Officers have been requested, on application from the master of a ship, to furnish him, whenever possible, with a certificate as above for production to the "proper officer" at the port at which the agreement is terminated; and also to report to the Board any case in which they have refused to issue a certificate, at the same time giving the reasons for the refusal.

It is expected that a certificate will be forthcoming for any payment made after 1st January, 1909, but if, in any special case, the "proper officer" is satisfied that there are good grounds why the certificate cannot be produced, the master should be required to make a statutory declaration, setting out the facts, and that he has paid the amount of the sums charged without discount or rebate, and that the substitutes could not have been obtained without such payment, and the charge may thereupon be allowed without prejudice to any future claim.

Nominal members of the crew.

150. When any person signs articles to receive 1*s.* a month, it is evident that he is only a nominal member of the crew, or that there are other considerations which do not appear in the agreement. In such a case no account is required, and no reimbursements, whether for excess wages paid to substitutes or otherwise, can be allowed.

Fees for endorsement on agreement.

151. Ordinarily the only charge on account of additional fees paid by reason of desertion will be 2s. for the endorsement of the desertion, and one half the fee of 2s. for the engagement of a substitute (if any). If the payment is not shewn by consular fee stamps affixed to the endorsement on the ship's papers, the master should be called upon to produce the receipt for the amount. The remaining one half of the engagement fee (if any) is payable by the substitute, and if the master neglects to deduct it from his wages it must not be charged against the wages of the seaman left behind.

Remote claims.

152. Claims in respect of the following are too remote to be regarded as expenses caused by the absence of the seaman within the meaning of the section and should be disallowed :—

(*a*) Detention of ship.
(*b*) Fines inflicted on a master for a breach of American or Colonial Immigration Acts, or Chinese Exclusion Acts, or law or other costs, incurred by the master in his defence or in giving a bond for future appearance, &c.
(*c*) Watching expenses to prevent desertion.

Head tax.

153. As regards the payment of "Head Tax" in the United States, sooner or later this tax may cease to be levied in consequence of the decisions which are gradually accumulating in the United States Courts that the immigration laws do not apply to bonâ fide seamen, but for the present the Head Tax may be allowed on production of a receipt given by the United States Immigration authorities, showing that it has in fact been claimed and paid.

Vouchers.

154. The master should be called upon to produce such vouchers or other evidence as may reasonably be required to

verify (*a*) the deductions entered in the delivery account, and (*b*) the payments in respect of which reimbursement is claimed.

155. When during a voyage two or more seamen have been left behind, the accounts furnished in respect of each seaman may, at the option of the master, be dealt with either individually or collectively, but in the latter case the exemption of Sub-section 12, Clauses (*b*) and (*c*) will not apply. Collective treatment.

When collective treatment is claimed the individual accounts (L. *a*. 1 (*a*)) should first be prepared, and the final balances ascertained in each case; and only the final balances whether due (*a*) on account of the seaman, or (*b*) to the owners, should be entered on the summary L. *a*. 2 (*a*), the seaman's name therefore only appearing on one side of the form.

156. Any deficit in the delivery account caused by the wages earned being insufficient to cover the deductions therefrom must be treated as "Nil," *i.e.*, it cannot be transferred to the reimbursement account and be set off by means of a collective account against the wages due in respect of other seamen. Deficit on delivery account not a reimbursement charge.

157. A receipt (CC. 26) should be given to the master for any wages or effects deposited, and the ship's agreement should be endorsed as under:— Receipt and endorsement on agreement.

> "The wages and effects of seamen left behind abroad by reason of desertion, &c., and having the following reference numbers in this agreement, have been duly accounted for to me
>
> "Numbers
>
> "Accounts of wages of seamen have not been delivered; those with reference numbers being exempted under Section 28 (12*b*) and those with reference numbers under Section 28 (12*c*)."

This form of endorsement is printed in the new issue of the form of agreement (Eng. 1).

158. The accounts L. *a*. 1 (*a*), L. *a*. 2 (*a*), when completed, should be forwarded to the Registrar General of Shipping and Seamen with the ship's agreement and official log. A schedule (Form L. *a*. 4) of amounts received should be forwarded to the Accountant General, Finance Department, Board of Trade, at the close of each month. Disposal of accounts.

159. The number space at the head of each form, L. *a*. 1 (*a*), L *a*. 2 (*a*), is for use at the Board of Trade, and should be left blank. Numbering accounts

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SECTION XI.

MEDICINES, ANTI-SCORBUTICS, &c.

160. Under section 200 of the Merchant Shipping Act, 1894, every ship navigating between the United Kingdom and any place abroad must have on board medicines and medical stores according to a scale issued by the Board of Trade, and must also have a book of instructions sanctioned by them as a Medical Guide. Copies of the scales issued can be obtained on application to the Board of Trade. The book of instructions which has been sanctioned is "The Ship Captain's Medical Guide." Medicines, &c.

161. Every ship navigating between the United Kingdom and any place abroad, with certain exceptions named below, must carry a supply of anti-scorbutics, to be obtained, prepared and served out in accordance with the regulations contained in the Fifth Schedule to the Merchant Shipping Act, 1894. Anti-scorbutics.

The vessels exempted are those trading to European ports, ports in the Mediterranean, and any islands, places or ports in the Atlantic (including ports in the United States, but excluding any part of Greenland or its islands) between the 35th and 60th degrees of North latitude.

If any infringement of the requirements of section 200 of the Merchant Shipping Act, 1894, comes to the officer's knowledge he should caution the Master and record the fact on the ship's Articles.

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SECTION XII.

INFECTIOUS DISEASE.

162. When any infectious disease is prevalent at the port the officer should warn Masters not to allow the crew to go ashore. He should also warn them if any of the water supplies are unfit for use, and should see that the crew know of the fact so that they may complain under section 198 of the Merchant Shipping Act, 1894, if the warning is disregarded. **Warning to Masters.**

Whenever there is cholera or choleraic diarrhœa, yellow fever or plague at the port, or a case has occurred on board ship, the officer should call the attention of Masters to the regulations of the Local Government Board, printed among the notices prefixed to the Official Log Book (notice No. 21), particularly Articles 18 (disinfection of clothing) and 29 (signals). Attention should also be called to the Instructions to Masters of Ships with regard to Cholera and Plague, also printed among the Notices prefixed to the Official Log Book (Notices No. 19 & 20).

163. The clothes and bedding of seamen who die of infectious diseases, *e.g.*, small-pox, typhus, typhoid (enteric) fever, scarlatina, measles, erysipelas, diphtheria, cholera, yellow fever or plague are to be destroyed without delay, unless it is certain that they have not been exposed to contagion. **Destruction of clothes and bedding.**

164. Other articles should be disinfected, unless it is thought safer to destroy them. Books, in particular, should be thoroughly disinfected. **Disinfection.**

Nautical instruments, watches, trinkets, &c., should be disinfected in such a manner as will not damage them. A list of any property destroyed should be forwarded.

Whenever the effects of seamen dying of infectious diseases are forwarded to the United Kingdom (or elsewhere), it should be clearly shown in the accompanying advice (Form CC. 16), whether or not they have been disinfected, and when disinfection has not been required the reason should be given.

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SECTION XIII.

BIRTHS AND DEATHS.

Births and deaths.

165. When a ship, on board which a birth or death has occurred, arrives at a port in a British Colony or Possession, the officer should see that the facts are properly entered in the Official Log in accordance with section 254, Merchant Shipping Act, 1894, and that a return on the Form B. and D. 1 is delivered to him. The return should be an exact copy of the original record and the officer should endorse on the ship's Articles the fact of the return being delivered, and should forward it to the Registrar-General of Shipping and Seamen with as little delay as possible. Reports of the deaths of seamen who have died shortly after leaving British vessels should be forwarded in the same way.

Inquiries.

166. The officer should also make careful inquiry into the circumstances of the death, and report the result to the Assistant Secretary, Marine Department, Board of Trade, London, S.W., on the Form B. and D. 3, or the Form B. and D. 5, the latter being a special form for firemen, trimmers and greasers. For the purpose of this inquiry, the officer may avail himself of the powers given by section 723, Merchant Shipping Act, 1894, *i.e.*, require the production of papers, obtain explanations from the Master, and muster the crew.

Nature of inquiry.

167. The inquiry is of the nature of an inquest, and its object to ascertain all the circumstances which led to the death. When a man has fallen overboard, *e.g.*, it is not sufficient to report the death as caused by drowning; the report should show clearly how the man came to fall overboard, and what steps were taken to save him. In the same way, in cases of illness, as complete an account as possible should be given of all the circumstances, including the treatment given.

Deaths of certificated officers.

168. The deaths of officers holding Certificates should be reported to the Board of Trade, and, if the Certificate was granted in a colony, to the authority which granted it. The Certificate should be forwarded to the authority by whom it was issued. A list of these authorities is given in Appendix A.

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SECTION XIV.

AGREEMENTS TERMINATED.

169. When the Agreements of British ships, with the exceptions mentioned in the following paragraph, are terminated in a British Colony or Possession, it is important that the Articles of Agreement, whether opened in the United Kingdom or not, and the Official Log Book, with the memorandum annexed to the form of receipt for a ship's papers (Dis. 2), should be forwarded to the Registrar-General of Shipping and Seamen by the earliest mail after the completion of the discharge of the crew. **Disposal of terminated Agreements.**

170. The exceptions referred to in the preceding paragraph are— **Exceptions.**

(1.) Ships belonging to the Colony or Possession in which the Agreement is terminated.

(2.) Such other ships registered in a British Colony or Possession as have not opened the Agreement in the United Kingdom, or touched at a port in the United Kingdom since the Agreement was opened.

In these cases the ship's papers should be sent to the officer at the port to which the ship belongs.

171. With the exceptions mentioned in the preceding paragraph, whenever an Agreement terminates in a British Colony or Possession, the officer before whom the crew is discharged should obtain from the Master the Agreement and Official Log Book and transmit them to the Registrar-General of Shipping and Seamen by the earliest mail, giving the Master a receipt for them in the Form Dis. 2. Masters should be instructed to preserve carefully the receipt given to them (Dis. 2) and warned that if it is lost difficulty may be experienced in getting clearance inwards on return to a port in the United Kingdom. **Procedure.**

172. Before Official Logs are transmitted to the Registrar-General of Shipping and Seamen, the blue covers and printed notices should be removed, and blank pages at the end may also be taken off, provided that a Certificate is added, showing that no entries were made upon the pages removed, specifying the numbers (*see* Appendix B 6). **Official Logs.**

173. When the Official Log contains entries reflecting on the conduct of a certificated officer, it should be transmitted to the Registrar-General of Shipping and Seamen (or the proper Colonial authority) with the least possible delay. **Entries affecting certificated officers.**

Receipts for Agreements.

174. As the receipt (Form Dis. 2) will, upon the ship's arrival in the United Kingdom, be exchangeable for a Clearance Certificate, care must be taken :—

(*a.*) That every seaman or apprentice who has been on the Articles at any time since the commencement of the Agreement is properly discharged or accounted for in Columns 16 to 18 of the Agreement as well as in the Endorsements made under sections 30 and 36 of the Merchant Shipping Act, 1906 (Appendix B3, B4, B5).

(*b.*) That the wages and effects of all the seamen and apprentices who have died in the course of the voyage are legally accounted for, and that any money due to their estates and not already paid over to an officer entitled to receive it, also any effects remaining unsold, are delivered into the officer's charge (*see* paragraphs 126–136).

(*c.*) That the entries in the Official Log are properly made and signed, and if any of them are imperfect, that the Master's attention is called to the matter.

(*d.*) That the provisions of the Merchant Shipping Acts and these Instructions, in all other respects are duly complied with, especially those which relate to the discharge of seamen.

Any omission to account for the disposal of any seaman or apprentice should be noted upon the form of receipt (Dis. 2).

SECTION XV.

ROYAL NAVAL RESERVE.

Royal Naval Reserve Certificate.

175. Every member of the Royal Naval Reserve has a Certificate R.V. 2 in which are recorded his attendances at drill and his engagements and discharges in the merchant service. Each Certificate has a number and letter, which are entered in the Articles on engagement and should always be quoted when the officer has occasion to refer to a Reserve man in an official document.

Engagement and discharge of Royal Naval Reserve men.

176. Whenever a Naval Reserve man is engaged or discharged before an officer, the particulars of such engagement or discharge should be entered in the R.V. 2 and signed. In the case of engagement the number and letter of the Certificate should be entered on the Articles against the man's name.

Naval Reserve men are required to present themselves once in every six months to some Superintendent of a Mercantile Marine Office in the United Kingdom, unless special leave is given to them to be absent for a longer time.

Consequently, whenever a Reserve man is to be discharged, the officer should ascertain, by reference to his Certificate, whether he has special leave, and should warn him that if he quits the ship for which leave is given he will be liable to forfeit the benefits of the Reserve.

Similarly, whenever a Reserve man is to be engaged or applies for relief or assistance, the officer should endeavour to arrange that he may arrive in the United Kingdom within the period of six months, or the period for which leave has been given, as the case may be, or as soon afterwards as possible.

Breaking leave or conditions.

177. If he persists in engaging himself for a voyage that will cause him to break his leave or the conditions mentioned in the preceding paragraph, the fact should be noted in his Certificate, and in the return CC 21.

Certificates of deceased or deserted Royal Naval Reserve men.

178. The Certificates of any Reserve men who have died or deserted should be forwarded to the Registrar-General of Shipping and Seamen with the return CC 21.

Steps to be taken on calling out of the Royal Naval Reserve.

179. On receipt of notice of the calling out of the Royal Naval Reserve, every officer in possession of the Admiralty Order (R.V. 53c) should issue it to all British ships in the district. By the terms of R.V. 53c, Royal Naval Reserve men of all classes serving in merchant ships abroad are ordered to report themselves to the first British Naval

Officer they meet, and, failing that, to the nearest Registrar of Royal Naval Reserve on arrival in the United Kingdom.

Royal Naval Reserve men to report themselves.

180. Royal Naval Reserve men abroad, but not serving in merchant ships, are ordered to report themselves to the nearest British Naval, Consular, or Colonial Officer.

Commanders-in-Chief abroad are to take the necessary steps for keeping these officers informed as to the manner in which men so reporting themselves should be disposed of.

When the Royal Naval Reserve has been called out for service, officers commanding His Majesty's ships will be directed to communicate with the proper officers in Colonial ports to examine the Agreements of British merchant ships, and to call for any documents relating to the crew, in order to ascertain whether any Royal Naval Reserve men are on board. If any such men are found, the officers commanding His Majesty's ships are to call on them to join the Navy, and take steps to secure their services, but in so doing they will take care to distress merchant ships as little as possible.

Duties of Colonial Officers.

181. Colonial Officers, in all cases, should give all the assistance in their power to enable Naval Reserve men to join the Navy after the Royal Proclamation has been issued.

Colonial Officers should report on R.V. 26, to the Registrar-General of Shipping and Seamen, the name, number, and letter of all "called-out" men who fail to serve when required to do so, and the steps taken to endeavour to secure their services.

They should also report, on the same form, all cases in which they have been obliged to call for the aid of the police, or to use force, or in which they have reason to believe that a Royal Naval Reserve man has absconded or concealed himself, or intends to do so, or is in any way trying to evade his liability to serve.

SECTION XVI.

CASUALTY REPORTS.

182. Whenever it comes to the officer's knowledge that a British vessel has been in collision or in distress, or has been wrecked, stranded, or damaged, or has met with a casualty involving loss of life, he should fill up and forward to the Assistant Secretary, Marine Department, Board of Trade, London, S.W., a return on one of the Forms Wr. 1. **Casualty reports.**

These returns are intended for departmental purposes only and should not be shown to the public.

183. In selecting the form for the return the officer should in all cases follow the classification shown in Appendix H. Each class of form contains questions appropriate to the corresponding class of casualty, and these should be answered as fully as possible. Any matters of importance for which there is no space on the form should be reported separately. **Form of report.**

184. It should be stated whether an inquiry has been or is likely to be held, and, if not, the reason why. It should also be stated how the crew have been disposed of, so that the Board may know what evidence would be available in the event of inquiry in this country being considered necessary. **Particulars to be given.**

185. Whenever a British vessel which has loaded at, or last sailed from, a port in a British Colony or Possession is lost or is missing, the officer there should furnish, on the appropriate Form Wr. 1, all available particulars relating to the vessel's condition on leaving port, the nature, quantity, and stowage of the cargo, and any other relevant particulars. **Lost or missing vessels.**

Any circumstances which appear to show fraud, negligence, or misconduct on the part of the master or officers should be reported.

186. A similar return should also be made whenever a foreign ship sustains or causes any loss, abandonment, damage, or casualty within British territorial jurisdiction, *i.e.*, within three miles of the shore of a British Colony or Possession, or within the headlands of a bay, or within an estuary, of such Colony or Possession. **Casualties to foreign ships.**

187. The officer should report at once to the Board of Trade any case in which he has reason to believe that the master of a ship which has been in collision with another ship has neglected to stay by until he has ascertained that no assistance was necessary, or has failed to render proper **Collisions.**

assistance, or to give his vessel's name and port of registry, and whence proceeding and whither bound.

The report should be accompanied by all the information that the officer is able to obtain, and should be forwarded as soon as possible, whether or not the case is to be inquired into by a Court. The Form Wr. 1 will usually be found sufficient for the purpose of making this report (*see* paragraph 182). If it is impossible to obtain full information, the officer should report the movements of the master and other witnesses, so that the information may be obtained from them as soon as they arrive at another port. When they are proceeding to the United Kingdom, the report should be made to the Assistant Secretary, Marine Department, Board of Trade, London, S.W.; when to a foreign port, to the Consul at that port; when to a colonial port, to the Superintendent or other officer there.

SECTION XVII.

SAFETY.

188. Attention is called to the provisions relating to safety contained in Part V. of the Merchant Shipping Act, 1894, the Merchant Shipping Act 1897, and the Merchant Shipping Act, 1906. Safety.

189. If it comes to the notice of an officer that a British ship is unsafe by reason of overloading, improper loading, under-manning, or defects in hull, machinery, or equipments; or is not provided with proper lights and signals and life-saving appliances; or that in the case of grain ships proper precautions have not been taken to prevent the grain from shifting; he should, in addition to any action which he may be required to take under the local law, report the case to the Board of Trade. Unsafe ships.

190. The officer should, as opportunity offers, examine the records of boat drill kept under Section 9 of the Merchant Shipping Act, 1906, and if it appears that proper records are not kept or that boat drill is not being practised or life-saving appliances examined at proper intervals, the officer should report the case to the Board of Trade. Boat drill.

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SECTION XVIII.

ACCOUNTS.

191. The officer's accounts are to be kept in the currency of the place. They should be rendered quarterly and be made up to the 30th June, 30th September, 31st December, and 31st March of each financial year. Accounts should be transmitted as soon as possible after the close of the quarter to the Accountant General, Finance Department, Board of Trade. Quarterly Accounts.

The officer is not required to send a notification when he has had no transactions on behalf of the Department during any quarter.

192. All moneys received and paid by the officer in sterling on behalf of the Board of Trade are (when sterling is not the circulating medium at the port) to be converted into currency at the rates of exchange in force for bills at three days' sight on England, on the dates of each such receipt and payment, the rate of exchange being stated on the voucher. Conversion of moneys.

193. The totals of the officer's receipts and payments for each quarter are to be brought into the General Account Current, Form CC 18, and the balance converted into sterling. The rate of such conversion will be that at which the balance is drawn for or remitted, as the case may be. Account Current.

194. If the sums expended by the officer during the quarter on account of the Board of Trade exceed the amount of his receipts, he is to draw a bill on the Accountant General at three days' sight for the balance due. The bill should be drawn on the last day of the quarter, or as soon thereafter as possible, and a letter of advice forwarded to the Finance Department, Board of Trade. Payment of the balance due to the officer will, if desired, be made to the Official Representative of the Colony in London. Balance due to officer.

195. When the sums received by the officer during the quarter exceed the amounts disbursed by him on behalf of the Board of Trade, he is to remit the balance to the Accountant General by means of a short date bill, or draft, or through the Official Representative of the Colony in London. The remittance should be made on the last day of the quarter, or as soon thereafter as the officer can close his Account, and the Finance Department, Board of Trade, advised in respect thereto. Balance due to Board of Trade.

196. When the balance of the Account Current on either side is under £1, it may be carried forward to the next Account, except at 31st March, on which date the financial Balances under £1.

year ends, and it is necessary that any balance should be drawn for or remitted.

Particulars on Form CC 10.

197. The names of all seamen taken in charge by the officer should be entered on Form CC 10, with particulars in the respective columns of their wages, the expenses incurred on their account, disposal, &c.

Vouchers.

198. Vouchers for subsistence and hospital expenses should be obtained, if possible, in the form given in Appendix J. The nature of a seaman's illness should also be stated on the hospital vouchers. The vouchers are to be numbered progressively, and corresponding numbers are to be given at the foot of Form CC 10 for the respective charges.

Unless it cannot be avoided vouchers should not bear dates later than the last day of the quarter for which the Account is rendered.

Translations of any vouchers in a foreign language except French, are to be sent with the originals. If in any case it should be impossible to obtain the required vouchers, a declaration is to be made specifying as fully as possible the nature of the payments, and that they were *bonâ fide* made for the public service, without any profit or advantage to the officer.

Accounts of wages, &c. to be forwarded.

199. The accounts of wages of living and deceased seamen and any other forms relating to the officer's Account should be transmitted with the Account Current, unless, in cases of seamen remaining in charge, they have been forwarded with the account for a previous quarter.

Receipts.

200. Receipts for sums paid to the officer on behalf of the Board of Trade should be made out in a language understood by the payer.

The general receipt form, CC 26, issued by the Department should be used whenever possible.

Miscellaneous receipts and payments.

201. Miscellaneous receipts and payments should be entered in the blank spaces on the Account Current, Form CC 18. A reference to any specific authority received from the Board of Trade should be mentioned together with brief particulars of each item.

When the officer has made a specific payment of a considerable amount he may reimburse himself at once by drawing a bill at three days' sight on the Accountant General who should be advised at the same time. The amount of the bill, with the currency equivalent and exchange, should be entered in the Account Current.

Expenses of Marine Courts of Inquiry.

202. The expenses of Marine Courts of Inquiry in connection with wrecks, strandings, &c., in the case of vessels registered in the United Kingdom, are borne by the Colony

or Possession which orders the holding of the Inquiry, unless the Court directs that the expenses are to be paid by one of the parties concerned who may have been in default.

The subsistence expenses of witnesses detained specially for the purposes of the Inquiry are also payable in like manner and should not be charged to the Board of Trade.

203. The cost of telegrams sent by the officer in connection with Board of Trade matters may be charged in his Account Current. Necessary details should be furnished, with the date of the telegram, and the department to which it refers should be specified. **Telegrams.**

204. Bill forms for use exclusively in connection with Board of Trade accounts are supplied to officers who have frequent transactions with the Department. **Bill of exchange forms**

A special application for bill forms is necessary and should be addressed to the Accountant General, Finance Department, Board of Trade, London, S.W.

205. A list of the forms to be used in rendering accounts is given in Appendix K. **Account forms.**

The officer should use the prescribed forms and furnish as far as possible therein all required particulars.

Applications for supplies of account forms should be made to the Storekeeper, Board of Trade Stores, Poplar, London, E., on the printed form of requisition in the Order Book for Forms.

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APPENDICES.

(*For Contents*, see *page* iv.)

APPENDIX A.

See paragraph 26.

LIST OF COLONIAL CERTIFICATES OF COMPETENCY ISSUED UNDER ORDER IN COUNCIL, which are of the same force as those granted by the BOARD OF TRADE.

Colony.	Certificates. By whom granted in Colony.	Certificates. Description.	Date of original Order in Council.	Date from which Order in Council takes effect.
Victoria ..	*Marine Board	Master; 1st Mate; Only Mate; 2nd Mate; 1st Class Engineer; 2nd Class Engineer.	30 Mar. 1871	4 Jan. 1870
Canada ..	The Minister of Marine and Fisheries.	Master; Mate	19 Aug. 1871	19 Aug. 1871
		1st Class Engineer; 2nd Class Engineer.	10 Nov. 1886	1 Jan. 1887
New Zealand.	Marine Department.	Master; 1st Mate; Only Mate; 2nd Mate; 1st Class Engineer; 2nd Class Engineer.	9 Aug. 1872	1 May 1872
New South Wales.	†Department of Navigation.	Master; 1st Mate; 2nd Mate; 1st Class Engineer; 2nd Class Engineer.	30 Aug. 1873	18 June 1872
Malta ..	The Head of the Government.	Master; 1st Mate; 2nd Mate; 1st Class Engineer; 2nd Class Engineer.	12 May 1874	12 May 1874
South Australia.	Marine Board..	Master; 1st Mate; Only Mate; 2nd Mate; 1st Class Engineer; 2nd Class Engineer.	12 May 1874	12 May 1874
Tasmania	Board of Examiners under authority of the Governor.	Master; 1st Mate; Only Mate; 2nd Mate; 1st Class Engineer; 2nd Class Engineer.	12 Feb. 1876	1 April 1876
Bengal ..	Lieutenant-Governor.	Master; 1st Mate; Only Mate; 2nd Mate; 1st Class Engineer; 2nd Class Engineer.	27 June 1876	27 June 1876
‡Newfoundland.	Governor ..	Master; 1st Mate; Only Mate; 2nd Mate.	14 May 1877	14 May 1877
Bombay ..	Governor ..	Master; 1st Mate; Only Mate; 2nd Mate; 1st Class Engineer; 2nd Class Engineer.	11 July 1877	11 July 1877
Queensland	Marine Board ..	Master; 1st Mate; 2nd Mate; 1st Class Engineer; 2nd Class Engineer.	26 Mar. 1878	1 Oct. 1877
Hong Kong	Governor ..	Master; 1st Mate; Only Mate; 2nd Mate; 1st Class Engineer; 2nd Class Engineer.	31 Dec. 1883	1 Jan. 1884
Straits Settlements.	Governor ..	Master; 1st Mate; 2nd Mate.	1 May 1890	1 June 1890
		1st Class Engineer; 2nd Class Engineer.	.. ..	1 Aug. 1888
‡Mauritius	Governor ..	Master; 1st Mate; 2nd Mate.	22 Nov. 1890	1 Jan. 1891

* The Steam Navigation Board was superseded by the Marine Board on the 21st December 1888. *See* Order in Council of 23rd November 1893.

† The Marine Board was superseded by the Department of Navigation on the 17th March 1900. *See* Navigation Amendment Act, 1899.

‡ Newfoundland and Mauritius do not issue Engineer Certificates under their Orders in Council.

APPENDIX B 1.

See paragraphs 25, 30, 34 and 39.

CERTIFICATE OF ENGAGEMENT OF SEAMEN.

(*a*) I hereby certify, that the undermentioned seamen were engaged before me and signed the within Agreement in my presence, and that the same has been made as required by the Merchant Shipping Act, 1894.*

The discharge books of the men engaged have been delivered to the Master, except in cases where it is stated no discharge books (Dis. A) have been produced.

[*Here state names of seamen.*]

(Signed)____________________

[*Here state nature of office.*]

Dated at________this________day of________19_____

(*b*) I hereby certify, that the seamen whose names appear in the within Agreement on lines numbered from 2 to , both inclusive, were engaged before me and signed the said Agreement in my presence, and that the same has been made as required by the Merchant Shipping Act, 1894.*

The discharge books of the men engaged have been delivered to the Master, except in cases where it is stated no discharge books (Dis. A) have been produced.

(Signed)____________________

[*Here state nature of office.*]

Dated at________this________day of________19_____.

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* See paragraph 25.

APPENDIX B 2.

See paragraph 42.

CERTIFICATE OF ALTERATION OF AGREEMENT.

I hereby certify, that the erasure, interlineation, *or* alteration [*as the case may be*] to the effect [*here specify the effect of the alteration*] contained in lines________and ________of this agreement has this________day of________ been consented to in my presence by all the [*or if the alteration affects only some of the parties, name them*] parties thereto.

(Signed)____________________

[*Here state nature of office.*]

Dated at________this________day of________19____.

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APPENDIX B 3.

See paragraphs 44, 66 and 174.

SANCTION TO DISCHARGE OF SEAMAN.*

I certify, that ________________________ has been discharged at the port of ________________________, on the alleged ground of [*here state fully and specifically the grounds of his being so discharged*]; and that I have inquired into the matter, and find that [*here state, as the case may be, either that the allegation is true and the grounds sufficient, or not*], and that I have accordingly granted my sanction to his discharge, and that £ , being wages due to him up to the ________ day of ____________, have been duly paid to him [*or* me *as the case may be*] in cash [*or* by bill on Messrs. ________________, *as the case may be*] and that his effects consisting of [*here state what effects*] and including his discharge certificate have been delivered to him [*or* me, *as the case may be*].

(Signed) ________________________

[*Here state nature of office.*]

Dated at ________ this ________ day of ________ 19____.

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* *See* Section 30, Merchant Shipping Act, 1906. This form of certificate is merely a general model; parts of it may be omitted, and additions may have to be made to meet varying circumstances.

APPENDIX B 4.

See paragraphs 62, 80 and 174.

CERTIFICATE OF LEAVING BEHIND OF SEAMAN ON THE GROUND OF UNFITNESS OR INABILITY TO PROCEED.*

I certify, that ____________________ has been left behind at the port of ____________________, on the alleged ground of [*here state fully and specifically the grounds of his being so left behind*] ; and that I have inquired into the matter, and find that [*here state, as the case may be, either that the allegation is true and the grounds sufficient, or not*] ; and that a full and true account of the wages due to him has been delivered to me ; and that £ , being wages due to him up to the ______ day of ______, have been duly paid to him [*or* me *as the case may be*] in cash, [*or* by bill on Messrs. __________ *as the case may be*] and that his effects consisting of [*here state what effects*] and including his discharge certificate have been delivered to him [*or* me, *as the case may be*].

(Signed) ____________________

[*Here state nature of office.*]

Dated at ______ this ______ day of ______ 19____.

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* *See* Sections 36–38, Merchant Shipping Act, 1906. This form of certificate is merely a general model ; parts of it may be omitted, and additions may have to be made to meet varying circumstances.

APPENDIX B 5.

See paragraphs 116 and 174.

CERTIFICATE OF DESERTION OR DISAPPEARANCE OF SEAMAN.*

I certify that ______________________ has been left behind at this port on the alleged ground of [*here insert desertion or disappearance*], and that I have inquired into the matter, and find that [*here state as the case may be, either that the allegation is true or not*], and that a proper entry of such [*here insert desertion or disappearance*] in the official log has been produced to me.

(Signed) ______________________

[*Here state nature of office.*]

Dated at ________ this ________ day of ________ 19 _____.

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* *See* Section 36, Merchant Shipping Act, 1906.

APPENDIX B 6.

See paragraph 172.

CERTIFICATE to be made in an OFFICIAL LOG immediately following the last entry on the pages provided for entries by the Master.

I certify that I have carefully examined this Official Log and find that no entries have been made on the pages subsequent to this certificate.

(Signed)____________________

[*Here state nature of office.*]

Dated at________this________day of________19______.

APPENDIX C.

See paragraph 99.

AGREEMENTS between the BRITISH and FOREIGN GOVERNMENTS for the MUTUAL RELIEF of DISTRESSED SEAMEN.

EXTRACT from the AGREEMENT between the BRITISH and GERMAN GOVERNMENTS for the MUTUAL RELIEF of DISTRESSED SEAMEN, signed at London, May 27, 1879.

If a seaman of one of the Contracting States, after serving on board a ship of the other Contracting State, remains behind in a third State or in its Colonies, or in the Colonies of that State whose flag the ship carries, and the said seaman is in a helpless condition in consequence of shipwreck or from other causes, then the Government of that State whose flag the ship bears shall be bound to support the said seaman until he enters into ship-service again, or finds other employment, or until he arrives in his native State or its Colonies, or dies.

But this is on condition that the seaman so situated shall avail himself of the first opportunity that offers to prove his necessitous condition and the causes thereof to the proper officials of the State whose support is to be solicited, and that the destitution is shown to be the natural consequence of the termination of his service on board the ship, otherwise the aforesaid liability to afford relief lapses.

The said liability is also excluded if the seaman has deserted, or has been turned out of the ship for any criminal act, or has left it on account of disability for service in consequence of illness or wounding resulting from his own fault.

The relief includes maintenance, clothing, medical attendance, medicine, and travelling expenses; in case of death the funeral expenses are also to be paid.

A similar Agreement with—

France	was signed	November 5th, 1879.
Italy	,,	June 8th, 1880.
Austria-Hungary	,,	November 26th, 1880.
Sweden and Norway	,,	July 12th, 1881.
Denmark	,,	July 25th, 1883.

APPENDIX D.

See page 14, footnote.

Instructions as to Continuous Certificates of Discharge.

(*The attention of Colonial officers is directed to paragraphs* 4, 5, 6 ; 8, 9 ; 12 ; 20, 21, 22, 23, 24 ; 28, 29 ; 34 ; 41, *which are of special importance, and apply equally at Colonial ports as in the United Kingdom*).

NOTE.—The term " Book " or " Dis A " in these instructions is used to denote the Continuous Certificate of Discharge for seamen, and the references to pages 5, 6, and 7 of the book must be understood as covering all similar pages throughout the book.

Issue of New Books.

Persons to whom Dis A's are to be issued.

1. Continuous Certificates of Discharge in Form Dis A are to be issued to all seamen discharged before Superintendents with the exception of Cattlemen, Horsemen, Muleteers, Stowaways, any seamen who merely sign on *pro forma*, and any seaman engaged only for a run within Home Trade limits. They are to be issued at the time of discharge only, and never on engagement.

In the case of all persons whose employment on board British ships is exceptional and not intended to be continuous, a Superintendent may, at his discretion, allow a discharge to be given on Form Dis 1.

Care as to entries in Dis A.

2. In issuing new books great care should be taken that each man's name and description are correctly entered in the spaces provided, and that the name in the book agrees with the name on the Articles.

In the case of a British seaman, the town (or county) of birth should be stated in the column for the place of birth. In the case of foreign seamen, in addition to the place of birth the name of the country of which the seaman is a subject should be stated, *e.g.*, a Russian Pole should be described as a Russian, and a Swede who has become a naturalised British subject should be described as such.

The surname should be entered in the oblong spaces upon pages 2 and 26 and on the top left-hand corner of page 1.

The seaman himself should be required to sign his name in full at the bottom of page 4 if he can write.

Superintendents should encourage seamen to enter their home addresses on page 26.

When a new book is issued the Superintendent should, if possible, enter in column 20 of the Articles of Agreement the number of the book issued.

3. The Superintendent should take steps to have the necessary scale marked on one of the walls of his office for measuring the height of seamen if no special instrument is available. Seamen should be measured in their boots. The height of seamen under 18 years of age should not be taken. Measurement of seamen.

Engagement of Seamen.

Production of Discharge Books.

4. It is important that discharge books should be produced when seamen sign Agreements in order that particulars of the engagement may in every case be entered. Masters should be pressed to produce or to insist upon the production of books at the time of engagement. It should be pointed out to the Masters that if the books are not produced difficulties may arise at the end of the voyage owing to the books not being forthcoming, and that in the case of men who desert or fail to join, the fact may never be recorded in their books. Moreover in the case of failure to join, the Board would be unable to withhold the book under Section 65. Production of Dis A on engagement.

5. If a seaman when "Signing on" satisfies a Superintendent that owing to his not having been to sea before, or from some other cause, he has not had a book, or that he has lost his book through no fault of his own, (*see* par. 14) the Superintendent will stamp or write against the man's name on the Agreement Endorsement of Agreement as to production of Dis A.

"Dis A not produced"

and no charge will be made for a new book on discharge.

If a seaman states that he has a discharge book but does not produce it, the Superintendent should make the endorsement,

"Has Dis A, not produced"

in order that a charge may be made if the book is not produced on discharge.

In the case of any seaman who cannot satisfy the Superintendent that he has not had a book, or that he has lost his book through no fault of his own, the Agreement should be endorsed

"Dis A not produced. Charge to be made."

The Superintendent will also write or stamp on the Agreement against the names of those men who produce their books

"Dis A produced."

Endorsement of office copies of Agreement.

The entries in the Office copy of the Agreement should correspond in all respects with the entries in the original Agreement.

Entries to be made in Dis A on engagement.

6. The particulars provided for on page 5 of the Dis A should be entered at the time of engagement in the books then produced. Steamships should be denoted by the letter S, and the Horse Power of Steamships should be recorded in the books of Engineers.

In the Rating column the abbreviation "ditto" or "do." should not be used.

Continuation books.

7. When a book has been completely filled up and fresh entries have to be made, a new or continuation book may be issued free of charge, unless it appears that leaves have been torn out of the old book, or that it has been otherwise mutilated, in which case a charge of 1*s.* must be made for the new book. When continuation books are issued the following endorsement should be made upon the third page :—

(*a*) of the new book—
"In continuation of Dis A. No. ," and

(*b*) of the completed book—
"Dis A No. " has been issued in continuation of this book.

.... Superintendent.
.... Date."

Date of engagement.

8. The date shown on the Agreement for the seamen to be on board is to be taken as the date of engagement.

Retention of books by Master and endorsement on Agreement.

9. When the necessary entries have been made the Master should be advised to retain the books during the voyage, and should he agree to do so the Superintendent will make a note on the first page for "Certificates" on the Agreement

"All Dis A's (stating the number) produced on engagement were delivered to the Master,"

or words to that effect (specifying in case of any exceptions the names of the seamen and their numbers on the Agreement).

Supply of envelopes to Masters.

10. An envelope of suitable size should be supplied to the Master with a request that the books of seamen who desert or fail to join before the vessel sails may be returned with the report upon Form Eng 2, but without any entry being made in the books.

Master responsible for entries in Certificate of Discharge.

11. It is the Master's duty to grant a Certificate of Discharge, and it is his business to make or cause to be made all the entries on pages 5 and 6 of the book, but Superintendents should give every assistance and see that the correct particulars are entered in the spaces provided.

DISCHARGE OF SEAMEN.

12. The Superintendent must see that any entry of promotion or of disrating is initialled by the Master, otherwise it may have the appearance of fraudulent alteration. **Promotion or disrating.**

In such cases the Superintendent should inform the Master that the report for ability should be given in respect of the rating in which the seaman was serving when he was discharged.

13. When a seaman on being discharged professes not to have had a book before or to have lost his book, he should be required to sign a declaration (form Dis. G or Dis. H) to that effect before a new book is issued to him. The forms Dis. H should be forwarded at once to the Registrar General of Seamen, and the forms Dis. G may be sent in weekly. **Seamen without books.**

Should replies to Form Dis H not be received before the Master is likely to leave the port, a new Dis A should be filled in and signed by the Master for issue to the seaman, in case his former Dis A should not come to hand or be traced.

If there is reason to suppose that a seaman has falsely stated on Dis G that he has not had a Dis A the Superintendent should, before issuing a new book, fill up and forward to the Registrar-General of Seamen a form G.R. 319 to which the Dis G should be attached.

In urgent cases the Superintendent should apply for the books by telegraph.

14. If a man to whom a book has been issued is at the time of discharge without a book a new book must be issued, inscribed on page 3, **Renewals.**

Renewal book.

Original reported lost—charge 1*s*.

and a charge must be made, unless the Superintendent is satisfied that the man lost the book through no fault of his own when no charge should be made and the words "charge 1*s*." should be omitted from the endorsement.

Renewals should only be issued at time of discharge.

The man's service, previous to the voyage just terminated, cannot, subject to the exception specified below, be entered in the new book. If he wishes to have a certificate of his previous service he must apply for it to the Registrar-General of Seamen in the usual way, and remit the fee of 4*d*. for each voyage.

15. Where however a seaman has lost his book through shipwreck he may at the time of discharge be given a new book containing entries for as many of his voyages as appear to constitute a continuous record of his services at sea down **Issue of renewed books to shipwrecked seamen.**

to the time of the shipwreck, the record in no case to include voyages completed more than three years before that time.

The entries can only be made for voyages of which the seaman can furnish sufficient particulars to enable the service to be verified by the Registrar General of Seamen. When, therefore, a seaman is discharged through shipwreck and the Superintendent or Consular Officer is reasonably satisfied that the Seaman's Continuous Discharge Book has been lost, he should obtain from the seaman a statement on form Dis 03 of as much of his service during the past three years as he claims to be continuous down to the time of shipwreck, and should forward it with a report on the case to the Registrar General of Seamen.

A new book will then be prepared containing so much of the three years' service as can be verified as continuous, and will be fowarded for issue to the seaman without charge.

Discharge of seamen in Home or Coasting Trade.

16. Continuous Discharge books are not in general to be issued to seamen in the Home or Coasting Trade. A Superintendent need, however, raise no objection to the Master of a Home Trade or Coasting Vessel giving a seaman his certificate of discharge in the continuous form, if the seaman possesses one.

Two or more books for one seaman.

17. If at any time it appears that two or more unfilled books have been issued to a seaman and the Superintendent has or can readily obtain them, the original book issued must be treated as the discharge form authorised by the Board of Trade, and any entries in other books should be copied into the original. These entries should be certified by the Superintendent as extracts from the former Dis. A.

The subsequent books should be returned to the Registrar-General.

Record of books issued.

18. It is recommended that a record should be kept showing the number of every book issued, the name, age, and birthplace of its recipient, and the name of the ship from which he was discharged. Registers for this purpose can be obtained from the Storekeeper.

Entries respecting Character.

Master's Report upon character.

19. Superintendents should use their influence, when necessary, to see that the report of character is justly given and is in accordance with the seaman's deserts.

It is at the discretion of a Master what character he shall give to a seaman, but Superintendents should exert their influence against any attempts to give men bad characters

when they are not deserved, or to give good characters to men who have been logged for serious offences, unless the log contains an entry condoning the offence.

Whenever the character given is bad, "decline to report," the Superintendent should, if appealed to in writing by the seaman, when he is being paid off, investigate the case by making enquiries as to the facts upon which the Master declines to report. If, after the inquiry, the Superintendent thinks that the seaman deserves a good or a very good character, he should inform the Master accordingly, and should suggest the alteration of the report of character originally made in the Official Log. In the event of the Master declining to make the alteration suggested, the Superintendent should enter the result of the inquiry on the form (Dis F) provided for that purpose, hand a copy to the Master, a copy to the seaman, and attach a copy to the Official Log Book.

Seaman's option as to endorsement in Dis A.

20. Under Sec. 129 of the Merchant Shipping Act, 1894, the seaman may have a copy of the report of his character endorsed on his discharge certificate, and spaces are provided on the discharge certificate for this purpose; or he may have a copy of the report given him on a separate sheet, and a special form (Dis B) has been provided for this purpose; or he may refuse to have a copy of report on his character in any form.

A copy of the report of character must not be entered in the discharge book if the seaman states that he does not wish to have it, and seamen should in every case be made acquainted with the reports given by the Master before they are asked whether they desire that copies should be inserted in their books.

If a seaman objects to having a copy of the report of character endorsed in his discharge book he should be informed that the spaces provided for that purpose will not be left blank, but will be filled up with the words "endorsement not required," and that the separate report of character on Form Dis B will be probably of no value for the purpose of procuring employment.

Endorsement of character.

21. When a copy of the report of character is given, either in the discharge book or on the separate sheet Dis B it must be an exact copy of the report entered in the Official Log.

Four stamps are provided for the purpose of making the copies bearing the words, "Very good," "Good," "Decline to Report," and "Endorsement not Required" respectively.

The last stamp is always to be used when the copy report of character is not endorsed on the discharge certificate. The columns for the copy report of character in the discharge are never to be left blank, and the seaman must

not be given a copy of a portion of the character only, and the note "Endorsement not required" for the remainder. He must have both or neither.

Each "Very Good" stamp issued in future will bear a distinctive number. The object of this arrangement is to ensure the identification of each stamp issued and to assist in the prevention and detection of fraud.

Signatures when endorsement is not V.G.

22. In order to facilitate the detection of alteration of entries relating to character, and the preparation of evidence to support a prosecution, Superintendents should, when the endorsement is other than Very Good for both Ability and Conduct (or, in the case of the Cunard Company's vessels, other than Good), write his signature across the three columns on the pages 7 and 8.

The signature in these cases should be *written after* the entry of the copy report of character has been made and compared with the entry in the Official Log by the Superintendent or Deputy Superintendent who writes his signature across the copy report of character. The Superintendent or Deputy Superintendent who attests the particulars with his signature will be held responsible for seeing that they correspond in all respects with those contained in the Official Log.

All reports of character other than "Very Good" for both ability and conduct should be initialled in the margin in the Official Log Book by the Superintendent or Deputy Superintendent who endorses the copy report in the continuous discharge book. The letters ENR should be added in all cases where the endorsement of the copy is not required. In cases where the Log Book is not available when a Dis A is issued a separate record should be kept for reference if required.

Signatures to Very Good reports of characters.

23. It is important that the signature of the Superintendent should not extend beyond the space provided on page 7 when the report of character is Very Good for both Ability and Conduct.

In these cases the signature may be written or stamped, but a stamped signature should only be affixed by the officer whose signature it purports to be.

Stamps not to encroach on adjoining spaces.

24. Care should be taken that the Official Stamp in column 4 of page 7 should not extend beyond the limits of the ruled space.

The stamps to be used on pages 6 and 7 are the date and place stamp or the plain port stamp. The oval stamp must not be used.

Absence of seaman on discharge of crew.

25. If a seaman does not appear at the time of discharge of crew or before the Official Log Book has left the custody of the Superintendent, and it is not known that he wishes to have a copy of the report of his character, the copy report

should be entered in pencil only upon page 7 of his book, and a reference should be made in pencil to the number of the line in the Official Log in which the seaman's name appears. The pencilled entry should not be signed or stamped until it is known whether the seaman desires to have the copy report of character endorsed on his discharge or not. If the discharge book has not been applied for, it should in due course be forwarded to the Registrar-General with the Official Log Book.

Care should be taken to remove the pencil entry if the seaman on applying for his discharge declines to have a copy of his character endorsed thereon.

If the report of character given for both ability and conduct is "Very Good" the appropriate entries may be made in the case contemplated without consulting the seaman.

Transmission of Wages.

Option as to endorsement of character.

26. When a seaman desires his wages to be transmitted to a home port or an inland town it will not usually be possible to inform him what the report upon his character will be before calling upon him to exercise his option as to whether he will have a copy of his report of character endorsed on his discharge.

It will therefore be necessary for him to state under what circumstances he will wish to have a copy of the report, and a note of his decision should be made on the Form Dis 3 b or Dis 3 bb after the printed note—

I desire my character endorsed on

Dis A.

The additional note will usually be

"if V.G., V.G."

Description of seaman transmitted.

27. If a seaman who has not received a book desires his wages transmitted to an inland town the Transmission Officer will fill up the description of the seaman on pages 3 and 4 of a Dis A, take the signature of the seaman on page 4, and forward the book with Dis 3 bb to the Superintendent for completion.

If the man has had a book and lost it he should be informed that he will be required to pay the renewal charge of 1*s*., and the Superintendent may deduct such charge from the balance of wages.

Failures to Join and Suspension of Certificates of Discharge.

Voyage not completed.

28. When a seaman fails to join, the words

"Voyage not completed"

should be written across the first column on page 6 and

across both columns for the copy report of character upon page 7. If the Master has made any other entry it should be ruled through. When, however, the Superintendent is satisfied on the production of a medical certificate or other satisfactory documentary evidence that the failure to join was due to illness or unavoidable mishap, he may add and sign a brief explanatory note in red ink showing the circumstances in which the failure to join took place.

The entry "Voyage not completed" should not be made when a seaman's Agreement is cancelled with the consent of the Master. The seaman is then entitled to a Certificate of his discharge, unless no service has been performed, when the entry to be made in the book is "Engagement cancelled."

Definition.

29. Failure to join covers cases in which a seaman joins his vessel and works on board but leaves subsequently and does not go to sea in the vessel from the port of engagement.

Failures to join.

30. The attention of Superintendents is called to their duties under sub-section 2 of section 65 of the Merchant Shipping Act, 1906.

Every case of wilful failure to join or failure to join through misconduct which comes to the notice of the Superintendent should be reported to the Marine Department.

Reports.

31. Cases should be reported on form P.R. 4, which should be sent to the Marine Department with the man's book.

In general, before making his report, the Superintendent should obtain statements from any material witnesses who may be available and also should give the seaman an opportunity of making an explanation, after warning him that he is not bound to say anything if he prefers not to do so.

If the Superintendent is, after enquiry, not satisfied that the failure to join was wilful or due to misconduct the book should be returned to its owner at once.

The Superintendent should report quarterly, as soon after the 1st April, 1st July, 1st October, and 1st January as possible, how many failures to join British foreign-going ships at his port were reported to him during the three months ended 31st March, 30th June, 30th September, and 31st December; and how many cases were reported by him as cases of wilful failure to join, and failure to join through misconduct.

Applications at other ports.

32. Seamen who fail to join their vessels at one port sometimes proceed to another port, and apply at the Mercantile Marine Office for their books, which are then sometimes obtained from the Superintendent (of the Mercantile Marine Office) at the port at which the seamen failed to join and handed back to the seamen without question. As this procedure tends to defeat the object of Section 65 (2), when

seamen in the circumstances stated apply for books which show that they have failed to join a vessel within the previous three months, the books should not be returned to the applicants until enquiry has been made with a view of ascertaining whether the failure to join was wilful or due to misconduct, or not. The enquiry may take the form of a voluntary statement by the seaman and of communication with the Superintendent at the port at which the seaman failed to join, or may be made in any other way that may appear useful.

Seamen serving while their books are suspended.

33. In the event of a seaman completing another voyage before the period for which his book has been suspended has elapsed, the Superintendent should decline to issue a new Dis. A, and the man's discharge should be given him on Form Dis. I, the entries on which can be copied into the Dis A, on its return to the owner.

Books of Deserters.

Books of deserters and men left behind.

34. When a man deserts, his book should be obtained from the Master with the particulars of the engagement duly entered and the Superintendent, Consular or Colonial Officer, should then endorse the statement "Voyage not completed" as directed in par. 28.

When a seaman is left behind from any other cause than desertion or failure to join, his book should be handed to him with particulars of discharge and character entered, and if, from any cause, he is unable to receive it immediately it should be delivered to him on the first opportunity. "Voyage not completed" is not to be entered in such cases.

Distressed British seamen should also be allowed by Consular or Colonial Officers to retain possession of their books, and if a book is sent with the other papers to the United Kingdom it may be detached and returned to the seaman.

After books of deserters and others have been delivered by the Master to a Superintendent, Consular or Colonial Officer, the following entry should be made in the agreement:—

"Dis A's belonging to ....
delivered to me by the Master."

Unclaimed and Lost Books.

Unclaimed books.

35. If at the end of the voyage the Master is still in possession of the book of a deserter, such book should at once be obtained and forwarded to the Registrar-General of Seamen. Other books in the possession of a Superintendent which are unclaimed should be retained for at least fourteen days and not more than twenty-one days before being forwarded to the Registrar-General.

There is reason to suppose that Masters sometimes retain the books of deserters, and Superintendents should make systematic inquiries of Masters with the object of recovering all books which have been retained on board ship. Similar inquiries should also be made from time to time at all seamen's lodging houses.

Recovery of lost books.

36. Books received at the Office of the Registrar-General will as far as possible be returned to their Owners either on direct application or on the next discharge of the seaman.

Fraudulent Books and Mutilation of Books.

Counterfeit books and stamps.

37. As counterfeit continuous discharge books have been found in use, and counterfeit stamps have been used for altering copies of reports of character, great care must be exercised in scrutinising all discharge books that come under notice.

If there is good reason to suspect that a book has been forged or altered, or does not belong to the man who claims to be its owner, a full report of the circumstances of the case should be forwarded by post to the Marine Department with as little delay as possible.

Points on which evidence is required.

38. In forwarding such cases Superintendents should state what evidence they have been able to obtain in support of a prosecution. The chief points on which evidence is generally required are as follows :—

(1.) That the original entry was a true copy of the entry in the Official Log and that it has since been altered ;

(2.) That the book has been produced by the seaman for the purpose of obtaining employment ;

(3.) That when so produced it was in its altered state.

Report not to be delayed.

The Superintendent should endeavour to obtain evidence on these points so far as it is procurable at his port, but he should not delay forwarding the case for the purpose of obtaining evidence from elsewhere. If the Official Log and Agreement required are not in his possession, he should ask the Registrar-General of Seamen, by telegraph, to forward them to the Marine Department.

Cases calling for immediate action.

39. Whenever a case is brought to a Superintendent's notice which requires immediate action he should at once lay the facts of the case before the local agent of the Solicitor to the Board of Trade, supplying him with all the available evidence and taking before him the necessary witnesses in the case, in order that he may obtain a statement of their evidence.

He is also authorised to detain such witnesses as the Solicitor's agent may require, short of taking a man out of his ship.

The Superintendent should at the same time post or telegraph to the Marine Department a report setting forth the nature of the evidence and the steps he has taken for the purpose of preparing for a prosecution.

40. Cases in which it appears to the Superintendent that a prosecution will be impracticable or in which it is impossible to take action at once should be referred to the Registrar-General of Seamen. Cases where prosecution is impracticable.

41. Erasures must not be made in the books. Any errors must be ruled out and the correct entry made, when possible, in the proper space. Such corrections should be attested by the initials of the Superintendent by whom they are made. The columns for the next voyage should not be encroached upon unless there is no other available space, and if so much of the next columns has to be taken as to render the entry of the particulars of another voyage impracticable, the unused columns in that space should be ruled through. Erasures forbidden.

42. In order to prevent fraud as far as possible the greatest care should be taken that all blank books, all unclaimed books, and all stamps in use at the Mercantile Marine Office are kept under lock and key, and the key entrusted only to a responsible person. Prevention of fraud.

43. Books which are so mutilated as to be unfit for further use, or in which any entries appear to require completion, should be forwarded to the Registrar-General of Seamen. Mutilated books, or books with incomplete entries.

When the mutilation consists only of pages or portions of pages being torn out, leaving sufficient description upon pages 3 and 4 to identify the owner, and provided there is no suspicion of fraud, the book may be returned to the seaman for further use, and need not be sent to the Registrar-General. Copies of mutilated, damaged, or lost books should not be supplied by Superintendents, but applications for such copies may be referred to the Registrar-General.

MISCELLANEOUS.

44. If a seaman belongs to any Union or Society no objection need be raised to the stamp of the Association being impressed (with the seaman's consent) in his book, provided the stamp is impressed so as not to deface entries, or to a copy of the rules of such Association being inserted under the tape of his book. Stamps of Associations.

45. Applications for Forms Dis* A, Dis B, Dis* F, Dis* G, Dis* H, and G.R. 319* should be made to Stock of Forms.

The Storekeeper,
Board of Trade Stores,
Poplar,
London, E.

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* These forms are not supplied to Colonial Officers.

APPENDIX E.

See paragraph 111.

FORM of UNDERTAKING to be signed by MASTER receiving RELIEF when in DISTRESS.

I,______________Master of the_______________of______________ O. N.____________________do hereby promise and guarantee to repay to the Board of Trade on my arrival in the United Kingdom or on obtaining the necessary funds abroad, all expenses incurred by His Majesty's Government on my behalf.

Place_______________________

Date___________________19______

Witness to Master's signature___________________

Date___________________19______.

Address of Master___________________

APPENDIX F.

See paragraph 139.

ARRANGEMENT between BRITISH and FOREIGN GOVERNMENTS respecting the PROPERTY of DECEASED SEAMEN.

ARRANGEMENT with FRANCE.

In a note to the French Ambassador, dated the 7th January, 1867, the Foreign Office offered to enter into an Agreement to hand over to the French Consul-General in London, without the usual formalities, the money and effects of French seamen under the value of 50*l*., delivered to the Board of Trade under the provisions of the Merchant Shipping Act of 1854, provided the French Government undertook to hand over the property of British seamen, whether belonging to the Royal Navy or not, dying on board French vessels, or on shore upon French territory, if such a case should occur. The offer was accepted in a note from the French Ambassador, dated the 6th February, 1867.

A somewhat similar arrangement, concluded with Sweden and Norway in 1869, continues in force as regards NORWAY.

Arrangements were made in the Notes mentioned with the following countries to deliver to their respective Consuls-General in London property not exceeding £100 in any case where a deceased seaman of one of these nationalities is known to have left legal heirs in the country to which he belonged.

	Note from the—
THE NETHERLANDS	Foreign Office, March 16, 1897. Netherlands Minister, April 7, 1897.
GERMANY	German Minister, February 16, 1907. Foreign Office, March 21, 1907.
SWEDEN	Swedish Minister, September 10, 1907. Foreign Office, October 5, 1907.

EXTRACT from a DECLARATION between GREAT BRITAIN and DENMARK, signed at London, 11th April, 1877.

ARTICLE I.

If any British seaman dies on board a Danish ship, or whilst serving on board a Danish ship within Danish territory; or, if, on the other hand, any Danish seaman dies on board a British vessel, or whilst serving on board

a British vessel within British territory, the Governments of Denmark and of Great Britain respectively shall provide as far as possible for the protection, without loss or injury, of any estate belonging to such deceased seaman.

In the case of a British seaman dying as aforesaid, the Danish Government shall cause the estate, if not exceeding 50*l.* in value, to be delivered, as soon as possible after the decease, to the British Consul at the Danish port where the decease occurs; or, if the decease does not occur at a Danish port, but on Danish territory, to the British Consul nearest to the place where such decease occurs, or where the estate may be; or, if such decease occurs at sea on board a Danish vessel, to the British Consul at the first Danish port at which the vessel arrives after such decease.

In the case of a Danish seaman dying, as aforesaid, his estate, if not exceeding 50*l.* in value, shall, subject to the provision contained in Article II., be delivered by the British Government, as soon as possible, to the Danish Consul of the district to which the vessel may belong.

When the estate exceeds 50*l.* in value, in the event of there being no person at hand who, within the period of six months, proves to be rightfully entitled to administer to the estate of the deceased seaman, the Consuls-General or Consuls of either State in whose jurisdiction such decease shall take place, shall, subject to the provision contained in Article II., have the power to take possession of and administer to the estate of such deceased seaman.

If any British seaman, while serving on board a Danish ship, dies within British territory; or if, on the other hand, any Danish seaman, whilst serving on board a British ship, dies within Danish territory,—then the estate (if any) belonging to such deceased seaman, shall, after deducting the expenses incurred, be paid over to the nearest Consul of the nation to which the ship belongs, in order that he may cause it to be, under observation of the aforesaid regulations, delivered to the competent authority in the country of the deceased seaman.

In the event of a seaman of one nation serving on board a ship of the other nation, and dying in the territory of a third nation, any estate of such deceased seaman (which may have been received by the Consul at the port where such death may have taken place of the nation to which the ship belongs) shall, after deducting the expenses incurred, be paid over to the Consul of the other nation at the same port.

In cases where a deceased seaman has signed articles either as a Danish or as a British subject, as the case may be, but the Government into whose possession his estate comes is not satisfied of his nationality, that Government

shall equally protect his estate and shall send an account of it, and its value, and of all information in the possession of that Government relating to the deceased, to the other Government as soon as possible, and shall deliver the estate to the other Government immediately on receiving its assurance that there is no doubt that the deceased was a subject of it.

ARTICLE II.

If the deceased shall have served in the Royal Navy of Great Britain, any assets which may be payable by the British Admiralty shall be dealt with according to the law of Great Britain.

ARTICLE III.

The term "seaman" in this Declaration includes every person (except masters and pilots) employed or engaged in any capacity on board any merchant ship, or who has been so employed or engaged within six months before his death, and every person (not being a commissioned warrant, or subordinate officer, or assistant Engineer) borne on the books of, or forming part of the complement of any public ship of war.

The term "estate" includes all "property, wages due, money, and other effects" left by a deceased seaman on board a ship.

The term "Consul" includes Consul-General, Consul, and Vice-Consul, and every person for the time being discharging the duties of Consul-General, Consul, or Vice-Consul.

The Declaration with ITALY, of 17th April, 1877, is to the same effect. Article I. is as follows:—

ARTICLE I.

If any British seaman dies on board an Italian ship, or whilst serving on board an Italian ship within Italian territory; or if, on the other hand, any Italian seaman dies on board a British vessel, or whilst serving on board a British vessel within British territory, the Governments of Italy and of Great Britain respectively shall provide as far as possible for the protection, without loss or injury, of any money or effects belonging to such deceased seaman.

In the case of a British seaman dying as aforesaid, the Italian Government shall cause the property, if not exceeding 50*l.* in value, to be delivered, as soon as possible

after the decease, to the British Consul at the Italian port where the decease occurs; or, if the decease does not occur at an Italian port, but on Italian territory, to the British Consul nearest to the place where such decease occurs, or where the property may be; or, if such decease occurs at sea on board an Italian vessel, to the British Consul at the first Italian port at which the vessel arrives after such decease.

In the case of an Italian seaman dying as aforesaid, his property, if not exceeding 50*l*. in value, shall, subject to the provision contained in Article II., be delivered, as soon as possible after the decease, to the Italian Consul at the British port where the decease occurs; or, if the decease does not occur at a British port, but on British territory, to the Italian Consul nearest to the place where such decease occurs, or where the property may be; or, if such decease occurs at sea on board a British vessel, to the Italian Consul at the first British port at which the vessel arrives after such decease.

When the property exceeds 50*l*. in value it shall, subject to the provision contained in Article II., be paid to the legal representative of the deceased according to the law of the nation of the ship or territory where the property is at the time of the decease.

In cases where a deceased seaman has signed articles either as an Italian or as a British subject, as the case may be, but the Government into whose possession his effects come is not satisfied of his nationality, that Government shall equally protect his property, and shall send an account of it, and its value, and of all information in the possession of that Government relating to the deceased, to the other Government as soon as possible, and shall deliver the property to the other Government immediately on receiving its assurance that there is no doubt that the deceased was a subject of it.

Articles II. and III. are similar to those in the Declaration with Denmark.

The Declaration with RUSSIA, of 9th August, 1880, is to the same effect. Articles I. and II. are as follows :—

ARTICLE I.

The estate of any Russian or Finnish seaman who shall die, either on board a British ship or at any place within British territory, shall, if not exceeding fifty pounds

sterling (50*l.*) in value, be delivered to the Russian Consul-General in London, without being subject to any of the formalities usually required by English law on succession to property.

On the other hand, the estate of any British seaman who shall die, either on board a Russian or Finnish ship, or within Russian territory, if not exceeding three hundred and fifty silver roubles (350 roubles) shall be delivered to the nearest British Consul, without undergoing any of the forms usually required by Russian or Finnish law on succession to property.

Article II.

If the deceased, a Russian subject, shall have served in the Royal Navy of Great Britain, any assets which may be payable by the British Admiralty shall be dealt with according to the law of Great Britain.

On the other hand, if the deceased, a British subject, shall have served in the Imperial Navy of Russia, any assets which may be payable by the Russian authorities shall be dealt with according to Russian law.

APPENDIX G.

See paragraph 115.

EXTRACTS from TREATIES, &c., between GREAT BRITAIN and FOREIGN COUNTRIES for the MUTUAL SURRENDER of SEAMEN, not being SLAVES, who desert from MERCHANT SHIPS.

AUSTRIA-HUNGARY.

Extract from Treaty of Navigation between Great Britain and Austria-Hungary, signed at Vienna, 30th April, 1868.

Article IV.—The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the Contracting Parties, residing in the dominions and Possessions of the other, shall receive from the Local Authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

BELGIUM.

Reciprocal arrangements have been made by the Governments of Great Britain and Belgium for the surrender of deserters, similar to the agreement between Great Britain and France.

BRAZIL.

Extract from Agreement between the Governments of Great Britain and Brazil relative to Merchant Seamen Deserters.—Signed 30th July, 1888.

It is mutually agreed that if any seamen or apprentices, not being slaves, should desert from any ship belonging to a subject of either of the Contracting Parties, within any port in the territories or in the Possessions or Colonies of the other Contracting Party, the authorities of such port and territory, Possession, or Colony shall be bound to give every assistance in their power for the apprehension and sending on board of such deserters, on application to that effect being made to them by the Consul of the country to which the ship of the deserter may belong, or by the deputy or representative of the Consul.

It is understood that the preceding stipulations shall not apply to subjects of the country where the desertion shall take place.

Colombia.

Treaty of Friendship, Commerce, and Navigation, between Great Britain and the United States of Colombia.—Signed at London, 16th February, 1866.

Article XXI. is similar to Article IV. of Treaty with Austria-Hungary (*see* Austria-Hungary).

Congo (Independent State of).

An arrangement for the surrender of deserters has been made similar to that between Great Britain and France.

Denmark.

The Agreement between the Governments of Great Britain and Denmark, relative to Merchant Seamen Deserters, signed at London, 21st June, 1881, is similar to that between Great Britain and France.

France.

Extract from Agreement between the Governments of Great Britain and France, relative to Merchant Seamen Deserters, signed at London, 23rd June, 1854.

The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the Government of His Majesty the Emperor of the French, being desirous, for the benefit of British and French commerce, to facilitate the discovery, apprehension, and surrender of seamen who may desert from merchant vessels of the two countries, on the basis of a full and entire reciprocity, have agreed as follows :—

It is mutually agreed that if any seamen or apprentices, not being slaves, should desert from any ship belonging to a subject of either of the Contracting Parties within any port in the territories, or in the Possessions or Colonies of the other Contracting Party, the authorities of such port or territory, Possession, or Colony, shall be bound to give every assistance in their power for the apprehension and sending on board of such deserters, on application to that effect being made to them by the Consul of the country to which the ship of the deserter may belong, or by the deputy or representative of the Consul.

It is understood that the preceding stipulations shall not apply to subjects of the country where the desertion shall take place.

Germany.

The Agreement between the Governments of Great Britain and Germany, relative to Merchant Seamen Deserters, dated London, 5th November, 1879, is similar to that concluded between Great Britain and France.

Greece.

Treaty of Commerce and Navigation between Great Britain and Greece, signed at Athens, 10th November, 1886.

Article XVI. is similar to Article IV. of Treaty with Austria-Hungary (*see* Austria-Hungary).

Honduras.

By Article XI. of the Treaty of 21st January, 1887, facilities have been and will be given for recovering and apprehending seamen who desert from merchant ships.

Italy.

Treaty of Commerce and Navigation between Great Britain and Italy, signed at Rome, 15th June, 1883.

Article XVIII. is similar to Article IV. of Treaty with Austria-Hungary (*see* Austria-Hungary).

Japan.

Extract from Treaty of Commerce and Navigation between Great Britain and Japan, dated the 16th July, 1894.

Article XIV. — The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the Contracting Parties, residing in the dominions and possessions of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

It is understood that this stipulation shall not apply to the subjects of the country where the desertion takes place.

Mexico.

Extract from Treaty of Friendship, Commerce, and Navigation, signed 27th November, 1888. Ratifications exchanged 11th February, 1889.

Article XI.—The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the Contracting Parties, residing in the dominions and Possessions of the other, shall receive from the Local Authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

Morocco.

Extract from Treaty between Great Britain and Morocco, signed at Tangier, 9th December, 1856.

Article XV.—It is agreed and covenanted that neither of the High Contracting Parties shall knowingly receive into or retain in its service any subjects of the other Party who have deserted from the naval or military service of that other Party; but that, on the contrary, each of the Contracting Parties shall respectively discharge from its service any such deserters, upon being required by the other Party to do so.

And it is further agreed, that if any of the crew of any merchant vessel of either Contracting Party, not being slaves, nor being subjects of the Party upon whom the demand is made, shall desert from such vessel within any port in the territory of the other Party, the authorities of such port and territory shall be bound to give every assistance in their power for apprehension of such deserters, on application being made by the Consul-General, or Consul, of the Party concerned, or by the deputy or representative of the Consul-General, or Consul, and no person whatever shall protect or harbour such deserters.

The Netherlands.

Extract from Convention between Great Britain and the Netherlands, signed at the Hague, 6th March, 1856.

The Local Authorities in the Colonies and Foreign Possessions of either of the two Contracting Parties shall afford to the Consuls-General, Consuls, and Vice-Consuls of the other all such assistance as they may be enabled by law to give for the arrest and surrender of seamen who may desert from the merchant vessels of either nation while in the ports of those Possessions or Colonies.

If the deserter shall have committed any crime or offence against the laws of the Colony or Possession, his surrender may be deferred until the Court, which has cognizance thereof, shall have given its sentence, and the sentence have been carried into effect.

Nicaragua.

Extract from Treaty of Friendship, Commerce, and Navigation, between the United Kingdom and the Republic of Nicaragua, signed at Managua, July 28th, 1905.

Article XIX.—The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the High Contracting Parties, residing in the dominions and possessions of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

Paraguay.

Treaty of Friendship, Commerce, and Navigation, between Great Britain and Paraguay, signed at Asuncion, 16th October, 1884.

Article XII. is similar to Article IV. of Treaty with Austria-Hungary (*see* Austria-Hungary).

Peru.

Extract from Treaty of Friendship, Commerce, and Navigation, between Great Britain and Peru, signed at London, 10th April, 1850.

Article X.—Each of the two Contracting Parties agrees that it will not knowingly receive into or retain in its service any subjects or citizen of the other Party who have deserted from the naval or military service* of that other Party ; but that, on the contrary, each shall respectively discharge from its service any such deserters upon being required by the other Party so to do.

And it is further agreed, that if any of the crew shall desert from the vessels of war* or merchant vessels of either Contracting Party, while such vessels are within any port in the territory of the other Party, the authorities of such port or territory shall be bound to give every assistance in their power for the apprehension of such deserters, on application to that effect being made by the Consul of the Party concerned, or by the deputy or representative of the Consul, and no public body whatever shall protect or harbour such deserters.

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* It was agreed by a Declaration signed 15th October, 1852, that this stipulation should, in the British Dominions, be applicable to merchant seamen only.

It is further agreed and declared, that any other favour or facility, with respect to the recovery of deserters, which either of the Contracting Parties has granted, or may hereafter grant, to any other State, shall be granted also to the other Contracting Party, in the same manner as if such favour or facility had been expressly stipulated by the present Treaty.

RUSSIA.

Treaty of Commerce and Navigation between Great Britain and Russia, signed at St. Petersburg, 12th January, 1859.

Article XVII. is similar to Article IV. of Treaty with Austria-Hungary (*see* Austria-Hungary), except for "deserters from the vessels" read "deserters from ships of war or merchant vessels."

SALVADOR.

Extract from the Treaty of Friendship, Commerce, and Navigation, between Great Britain and San Salvador, signed at Guatemala, dated 24th October, 1862.

Article XVII.—And it is further agreed, that if any of the crew of any merchant vessel of either Contracting Party shall desert from such vessel within any port in the territory of the other Party, the authorities of such port and territory shall be bound to give every assistance in their power for the apprehension of such deserters, on application to that effect being made by the Consul of the Party concerned, or by the deputy or representative of the Consul; and any persons knowingly protecting or harbouring such deserters shall be liable to punishment.

SPAIN.

Extract from Decree of the Queen of Spain, relative to the reciprocal Arrest and Delivery of Seamen Deserters from British and Spanish Merchant Vessels, Madrid, 19th April, 1860.

The Consuls-General, Consuls, and Vice-Consuls of the United Kingdom of Great Britain and Ireland, residing in Spain and her Possessions, have the power to arrest and send, either on board their ships, or to their respective countries, the individuals of the crew of British merchant vessels who shall have deserted from such vessels; assistance is, therefore, to be rendered to that effect by all competent Local Authorities, after it has been proved by the rolls of registration, or any other authentic document, that the individuals thus reclaimed form part of such a crew.

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After the production of such evidence, the surrender can no longer be denied, and all possible aid and power is, therefore, to be rendered to the British Consuls and Vice-Consuls for the discovery of such deserters.

Should any such deserters have besides committed some crime on land, his delivery may then be deferred by the Local Authorities until he has stood his trial before the competent tribunal, and undergone the sentence pronounced against him. But this declaration does not apply to such seamen as are Spanish subjects, and have not been naturalised abroad.

SWEDEN and NORWAY.

Note respecting the Surrender of Seamen Deserters from British Vessels in Swedish and Norwegian Ports, on condition of reciprocity, London, 4th August, 1852.

(This is still in force).

An assurance was given that facilities would be afforded by His Swedish and Norwegian Majesty's Government for recovering and apprehending seamen deserting from British merchant ships in the territories of Sweden and Norway.

TURKEY.

Turkish Note respecting the Surrender of Seamen Deserters from British Vessels in Turkish Ports, and demanding reciprocity, 19th April, 1865.

An assurance to the same effect was given.

UNITED STATES OF AMERICA.

Extract from Treaty respecting Merchant Seamen Deserters, signed 3rd June, 1892. Ratifications exchanged 1st August, 1892.

Article I.—The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of either of the High Contracting Parties, residing in the Dominions, Possessions, or Colonies of the other, shall have power to require from the proper authorities the assistance provided by law for the apprehension, recovery, and restoration of seamen who may desert from any ship belonging to a subject or citizen of their respective countries while in the ports of the other country. If, however, any such deserter shall have committed any crime or offence in the country where he is found, his surrender or restoration may be delayed until the proper tribunal before which the case shall be pending, or may be cognizable, shall have pronounced its sentence,

and the sentence shall have been carried into effect. It is understood that the preceding stipulations shall not apply to the subjects or citizens of the country where the desertion shall take place.

Article III.—The present Treaty shall come into operation at the expiration of thirty days from the date of the exchange of ratifications. It shall remain in force for five years after that date and thereafter until terminated by twelve months' notice to be given by either High Contracting Party to the other.

Uruguay.

Treaty of Friendship, Commerce, and Navigation, between Her Majesty and the Oriental Republic of the Uruguay, signed at Monte Video, 13th November, 1885.

Article XI. is similar to Article IV. of Treaty with Austria-Hungary (*see* Austria-Hungary).

Zanzibar.

Extract from Treaty of Friendship and Commerce between Great Britain and Zanzibar, signed at Zanzibar, 30th April, 1886.

Article XIV.—Should sailors or others belonging to a British ship of war or merchant vessel desert and take refuge on shore or on board of any of His Highness' ships, the authorities of His Highness the Sultan of Zanzibar shall, upon request of a Consular Official, or, in his absence, of the captain of the ship, take the necessary steps in order to have them arrested and delivered over to the Consular Official or to the captain.

In this, however, the Consular Officer and captain shall render every assistance.

So also the authorities of His Highness the Sultan, in case of men deserting from ships of His Highness the Sultan, or of His subjects, and who have taken refuge on board a British vessel in harbour, or in the house of a British subject on shore, in Zanzibar, may apply to a British Consular Official, or, in his absence, to the captain or house occupant, who, unless there is reason to the contrary, shall take the necessary steps to cause them to quit the vessel or premises for the purpose of being returned to the captain or the Sultan's authorities.

APPENDIX H.

See paragraph 183.

CLASSIFICATION of SHIPPING CASUALTIES for the purposes of the WRECK REGISTER.

"*At Home*" embraces the cases which happen (1) in waters within 10 miles from the shores of the United Kingdom; (2) in waters within any bays or estuaries of the United Kingdom; (3) in waters around any outlying sandbanks which are dry at low water; (4) in the seas between Great Britain and Ireland; and (5) between the Orkney and Shetland and Western Islands and the mainland of Scotland.

"*Abroad*" embraces the cases which happen beyond those limits.

COLLISIONS.		FOUNDERINGS.		Missing Vessels. 5.	STRANDINGS.		MISCELLANEOUS.	
1. At Home.	2. Abroad.	3. At Home.	4. Abroad.		6. At Home.	7. Abroad.	8. At Home.	9. Abroad.
Collisions of all kinds between ships.		Founderings (other than those which result from collision, stranding, or striking on any sunken wreck or anchor or accidents to machinery or boilers), even though the vessel be subsequently raised. Vessels which sink after capsizing. Vessels abandoned by their crews and not subsequently picked up or driven ashore.		Vessels which are not heard of after sailing or being spoken at sea.	Strandings, whether through stress of weather or accident, or to avoid collision or foundering. Striking against piers, quays, or perpendicular cliffs, or on anchors, or sunken wrecks. Abandoned vessels driven on shore.		Fire, irrespective of result. Scuttling and intentional damage to vessels. Striking against derelict vessels or floating wreckage. Contact with ice. Leakage (except when the vessel founders or is run ashore for safety). Loss of masts, sails, boats, bulwarks, &c. Loss of anchors and chains. Vessels which have capsized, but have not sunk. Damage to machinery or boilers. Fouling buoys. Shifting of cargo. Derelict vessels brought into port.	

APPENDIX J.

See paragraph 198.

(A.)

No.__________.

RECEIPT for SUBSISTENCE.

____________________19____

Dr. to____________________

For boarding______________ex ship____________from __________19____to________19____inclusive________ days________per day ... ...

Received payment this____day of________19____.

Witness* ____________________

____

(B.)

No.__________

RECEIPT for HOSPITAL EXPENSES.

____________________19____

Dr. to the____________Hospital.

For Hospital Fees on account of__________ex ship________
Admitted____________suffering from____________
Discharged________being____days @______per day.

Received payment this____day of________19____.

(Signature)____________________.

(Title)____________________.

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* N.B.—When the payee signs by a mark—such mark must be made in the presence of a disinterested person, who must also sign as a witness.

APPENDIX K.

See paragraphs 15 and 205.

FORMS and BOOKS used by COLONIAL OFFICERS in connexion with MERCHANT SHIPPING and SEAMEN.

Name of Form or Book.	Short Title.
Account of wages and effects of seamen discharged or left behind through unfitness or inability to proceed	C.C. 6
Particulars of distressed seamen taken in charge ...	C.C. 6a
Account of wages and expenses for a seaman who has recovered	C.C. 7
Account of receipts and disbursements for a seaman who has died whilst under charge of Shipping Master	C.C. 8
Quarterly account—Particulars of expenses for sick and distressed seamen	C.C. 10
Certificate of Engagement for purposes of wages or compensation	C.C. 11
Order for conveyance of distressed seamen	C.C. 14
Advice of sending distressed seamen to another port abroad	C.C. 14a
Account of wages and effects of a deceased seaman delivered by the Master of the ship	C.C. 15
Advice of sending deceased seamen's effects to the U.K.	C.C. 16
Account of the proceeds of the sale of effects and of money in possession of seamen who have died ...	C.C. 17
Form of Account Current with Board of Trade ...	C.C. 18
Report of changes in crews—Book of 50 forms ...	C.C. 21
Statement of sums received on account of wages and effects of deceased seamen	C.C. 22
Monthly Schedule of sums due to estates of deceased seamen	C.C. 23
Obstructions to navigation	C.C. 24
Certificates of Discharge—Book of 50 forms	Dis. 1
Statement of Fines received	C.C. 25

Name of Form or Book.	Short Title.
General Receipt for sums paid to Officer—Book of 100 forms in duplicate	C.C. 26
Semi-carbon paper for ditto	Semi-carbon
Account of wages and effects of seamen left abroad (Sec. 28—1906)	L.a. 1 (a)
Summary of accounts of do. when dealt with collectively	L.a. 2 (a)
Monthly Schedule of wages of seamen left abroad ...	L.a. 4
Copy of Master's Report of Character	Dis. B
Receipts for ship's papers—Book of 50 forms	Dis. 2
Copy of Entry of Desertion	C.C. 27
Return of Births and Deaths	B. & D. 1
Inquiry into death of seaman	B. & D. 3
Inquiry into alleged suicide of a fireman	B. & D. 5
Wreck Returns. Collision, coast of U.K.	Wr. 1 (a)
" Collisions, abroad	Wr. 1 (b)
" Founderings, coast of U.K. ...	Wr. 1 (c)
" " abroad	Wr. 1 (d)
" Missing Vessels	Wr. 1 (e)
" Strandings, coast of U.K.	Wr. 1 (f)
" " abroad	Wr. 1 (g)
" Miscellaneous, coast of U.K.... ...	Wr. 1 (h)
" " abroad	Wr. 1 (i)
Seamen's allotment notes—Book of 100 forms... ...	L.*
Seamen's Account of Wages—Book of 25 forms ...	F. 1 (25)
" " " " 40 " ...	F. 1 (40)
" " " " 60 " ...	F. 1 (60)
" " " " 100 " ...	F. 1 (100)
Agreement and Office Copy (Foreign) for 20 men ...	Eng. 1—20
" " " 40 " ...	" 40
" " 80 " ...	" 80
" " " 120 " ...	" 120

Name of Form or Book.	Short Title.
Agreement and Office Copy (Foreign) for 180 men ...	Eng. 180
" " " 240 " ...	" 240
" " " 80 " ... (with extra pages for endorsements.)	" R.A.
Account of changes in crews without official sanction	" 2A
Copy of Agreement accessible to crew	U.
Gummed slip clauses for Agreements	Slips for Eng. 1
Official Log Book, 87 men, 24 pp.	O. 3
" " 87 " 44 "	O. 4
" " 261 " 40 "	O. 5
" " 377 " 44 "	O. 6
" " 551 " 50 "	O. 9
Grain cargoes. Loading notice for Mediterranean, Black Sea and N. America	Surveys 107
Affidavit for Canadian distressed seamen	C.A.
Change of Masters	Reg. 12
Application by Master, Mate or Engineer for renewal of lost certificate	Exn. 23
Release with note of exempted claims	M.
Return of Lascars engaged abroad on U.K. vessels not trading to U.K.	G.R. 165 Lascars 1
Return of Defaulters. Naval Volunteers. Book of 50 forms	R.V. 26
Order Book for these Forms	O.B.C.C.

INDEX.

A.

Paragraph.

A.B., rating of 32

ABSENCE WITHOUT LEAVE. Charge for substitutes 147

ACCOUNT—
- Of seamen's wages to be rendered 56, 64
- To be submitted to seamen 65
- Checking of seamen's wages 65-68
- Duplicate wages a/c (C.C.6) to be given to master 70
- Of wages of seamen left behind 140, 155, 158
- ,, not required for nominal members of crew ... 150

ACCOUNT CURRENT 193

ACCOUNTS, Officers, rendering of, to Board of Trade ... ... 19[illegible]-205

ACTS, Merchant Shipping, 1894, 1906. 1

ADVANCE OF WAGES. Seamen's receipts to be forwarded ... 79

AGREEMENTS with Foreign Governments for the mutual relief of distressed seamen ... ... Appendix C.

AGREEMENTS, SHIPS'—
- Stipulations in, deductions from wages in accordance with 68
- Wages accounts to be checked with 65
- Reference to appear in, when seaman excepts from the release 69
- Additional clauses 22
- Questionable legality of stipulations 25
- To be drawn up in duplicate 27
- Description of voyage 20
- ,, ,, crew 21
- Regulations for maintaining discipline 23
- Scale of provisions 24
- Signatures, alteration of 30
- Crew's copy 33
- Alterations to be attested 42
- Disposal of, when terminated 169
- False statements 40
- Duplicate to be sent to R.G.S. 38
- Endorsement as to accounts of seamen left behind ... 157

AGREEMENT ON FORM C.C.6., for use when wages deposited with officer 73

ALLOTMENT NOTES 36

ALLOWANCES, subsistence and conveyance 102

ANTI-SCORBUTICS, vessels exempted from carrying 161

APPRENTICES—
- To attend when Agreement is signed 31
- Names to be entered in Agreement 31
- Relief of 83, 102, 106

ARRANGEMENTS with Foreign Governments respecting the property of deceased seamen ... ... Appendix F.

ASIATICS (*see* Lascars) 110, 138

B.

	Paragraph.
Balance of Quarterly Account	193–195
,, ,, ,, when under £1	196
Balances of Wages due to Seamen	70, 71, 75, 76–79, 89
Barratry, wages chargeable with expenses in cases of	74
Bedding—	
When it may be supplied	102
To be destroyed in cases of infectious disease	163
Berths, proper, to be provided for distressed seamen in ship in which sent home	102
Bill, wages of seamen paid by	71, 77
Bills drawn on the Accountant General	194, 201
Bill Forms, application for official	204
Births and Deaths—	
To be entered in log	165
,, reported to R.G.S.	165
Blood Money—	
When chargeable on account of seamen left behind abroad	149
Certificate to be given when payment is unavoidable	149
Boarding Expenses (*see also* Subsistence)	83, 102
,, ,, for ships' officers	106
Boat Drill to be recorded	190
Boat or other Ship's Property, damage to, by seamen left behind	146
Book, Master's, deductions from seamen's wages to be checked with	65, 142
British Possession, sending seamen to	91, 100
British Seamen discharged from foreign ships	97, 99, 102
Burial Expenses	83, 128

C.

Calculation of Wages	66
Calendar Month, definition of	66
Canadian Seamen, relief of	109
Cash Advances to Seamen	79
Casualties—	
To be reported to Board of Trade	182
To Foreign Ships	186
Casualty Returns not to be shown to public	182
Certificates—	
Of Masters, Mates and Engineers to be produced	26
Death of holders to be reported	168
Entries in log reflecting on holders	173
Of clearance	174
Medical Advice and Attendance—	
Cost of, to be borne by ship	82, 83
,, when chargeable to seamen's wages	74, 86, 93, 94
Changes in Crew to be reported to R.G.S. in certain cases	10

Paragraph.
CERTIFICATES OF DISCHARGE ... ... 44, 49, 62, 63, 66, 82, and Appendix E.
CERTIFICATES, medical, to be required in certain cases 63
CHARACTER—
  Reports of 51, 52, 54
  " on Dis. A, to correspond with that in Log 53
CHOLERA 162–164
CLEARANCE CERTIFICATES 174
CLOTHING—
  Supplied to sick seamen 87
  " distressed seamen 102
  when chargeable to wages 87
COLLECTIVE treatment of Accounts of Wages of Seamen left behind 155
COLLISIONS 187
COLONIAL SEAMEN—
  To be sent direct to own Colony when possible 91, 100
  Expenses for distressed to be recovered when possible from Colony concerned ... ... 10[illegible]
  Canadians 109
COLONIAL SHIPS 5
COLONIAL OFFICER, definition of ... ... Note on page I.
COLONIES, tropical, natives of, not to be sent to United Kingdom 91, 100
COMPLAINTS—
  Seamen to be permitted to make 7
  Provisions and water 8
CONTINUOUS DISCHARGE BOOKS ... 34, 49–55, 80, and Appendix D.
CONVERSION of moneys 192
CONVEYANCE OF SEAMEN—
  To a proper return port 76, 77, 90, 102
  To another port abroad 76, 86, 102
  Use of Conveyance Order (CC. 14) 76, 86, 102
  Settlement of wages shown on Conveyance Order 78, 102
  Subsistence allowances under Conveyance Order 102
  By sailing ship, to be ordered in exceptional circumstances only 103
  Refusal to convey distressed seamen under Officer's Orders 104
CORRESPONDENCE WITH BOARD OF TRADE 12
COURT, Order of, Seamen discharged by 74
"CURED," interpretation of term 84
CURRENCY of place, accounts to be kept in 191

D.

DANGERS TO NAVIGATION 11
DEATHS—
  Death on board ship to be recorded in log 165
  " " " reported to R.G.S. 165
  " " " inquiry into cases of 166, 167
  Endorsement to be made on Articles 165
  Deaths of holders of certificates to be reported 168

Paragraph.

DEDUCTIONS FROM WAGES... ... ... 67, 74, 75, 86, 87, 93–94
To be checked with Master's book 65
When irregular 67
For fines and forfeitures 68

DEFECTS in Hull, Machinery or Equipments 189

DEFICIT in delivery account, not to rank as a re-imbursement charge 156

DEFINITION OF COLONIAL OFFICER, &c. ... ... Note on page 1

DEFINITION OF "SEAMAN" 102

DELIVERY ACCOUNT (Sec. 28--M.S.A., 1906) 146

DEPOSITIONS 182–187

DEPOSITS TO MEET EXPENSES 96

DESERTION AND DISAPPEARANCE 112–122, 140–159
Endorsement on Agreement, importance of 112
" " when evidence of desertion insufficient 117
Watching expenses, to prevent 152
Entry in Official Log required 116, 118

DESERTERS—
Relief of 98
Detention of ship—not a proper reimbursement charge ... 152
Discharge books of 120–122

DISAPPEARANCE AND DESERTION 112–122, 140–159

DISCHARGE CERTIFICATES—
When to be given to show particulars of service 49, 50
Need not contain report of character unless seaman wishes it 51

DISCHARGE of Seamen 43–61
Account of wages to be rendered 56, 64
Payment of wages to seaman on discharge 56, 73
When Officer's sanction necessary 44–47, 62
"Discharged" and "left behind," use of term in sickness cases 62
On ground of unfitness and inability 62–80
Certificate for leaving behind 62
Seaman's consent necessary 47
Shipping agents not to be present 16

DISCHARGE BOOKS (Dis. A.) ... ... 34, 80 and Appendix E

DISCIPLINE, responsibility rests with Master 124

DISCIPLINARY REGULATIONS to be entered in Agreement ... 23

DISEASE, infectious 162–164

DISINFECTION of effects of seamen dying from infectious disease 136, 163–164

DISTRESSED SEAMEN... 97–111
Regulations 102
Disentitled to relief if three months have elapsed since last sea service 102, 105
Relief of foreigners from British ships 99
" Colonial seamen 100
" Canadian 109
" Lascar 110
" British seamen from foreign ships 99, 102

DOUBTFUL CASES—
Of sickness, to be reported 88
Wages not to be paid to seaman 88

DUTIES OF COLONIAL OFFICERS 2

E.

EFFECTS— Paragraph.

To be delivered with wages of seamen left behind 143

Of deceased seamen 131, 132, 136–139

EMPLOYMENT—

To be found for seamen when possible 76, 90, 102

Payment of balance of wages to seamen on obtaining 75, 78, 89

ENDORSEMENTS to be made by Officer on Agreements ... 48, 62, 80, 82, 102, 130, 135, 138, 165

ENGAGEMENT of seamen 16-42

Questions as to food scale 24

Disciplinary regulations 23

Illegal stipulations 25

Apprentices to attend 31

Officers' certificates 26

Continuous discharge books 34

Additional clauses 22

Shipping Agents not to be present 16

ENQUIRIES, expenses of (*see* Inquiry, Marine Courts of).

EXCEPTED expenses chargeable to seamen's wages 74

EXCHANGE, current rates to be employed 60

EXPENSES—

When chargeable to seamens's wages 74

Boarding, hospital, &c., to be entered in Form CC. 10 ... 197

Of witnesses at Marine Courts of Inquiry 202

Of substitutes for seamen left behind abroad 147

F.

FALSE STATEMENTS 40

FARES FOR SEAMEN, when to be paid 102

FINANCIAL YEAR, end of, Officer's Account to be final at ... 196

FINES—

Deduction from wages 68

To be accounted for to Board of Trade 68

When payable to Colony 68

FOREIGN SEAMEN, relief of 92, 97, 99

FOREIGN SHIPS, wages of British seamen discharged from, to be charged with expenses 39

FORFEITURES 68

FORMS—

Applications for 15, 204, 205

Form of Agreement 19

FORM M (Seaman's release) 57, 69, 94

G.

GRAIN CARGOES 189

H.

Paragraph.
HEAD TAX 153
HOSPITAL AUTHORITIES—
To inform Officer when seamen are admitted into hospital 82
To be notified when a seaman is discharged from his ship... 82
HURT OR INJURY in service of the ship 83

I.

ILLEGAL stipulations in Agreements 25, 68
ILLNESS—
Discharge of seamen on account of 63, 64, 81–96
Due to venereal disease, or seaman's own wilful act or default, or to own misbehaviour 64, 74, 83, 86, 92–94
Nature of, to be stated in accounts 64, 88
Treatment given to be recorded 167
IMMIGRATION ACTS, expenses caused by breach of, not a proper reimbursement charge 152
IMPRISONMENT, expenses of seamen 74
IMPROPER LOADING 189
INABILITY or unfitness to proceed 62–80
Application for discharge on ground of 62–63
If seaman discharged in consequence of, the master to give an account of wages 64
INDENTURES of apprenticeship, production of 31
INDIA, Natives of, relief of 110
INFECTIOUS DISEASE 162
Clothes and bedding to be destroyed 163
Books and other articles disinfected 164
INJURY—
In service of ship 83
On shore, expenses when chargeable to wages 74, 86
INQUIRY into shipping casualties to be reported 184
INQUIRY, Marine Courts of, expenses of witnesses, &c. ... 202
INSANE SEAMEN 102
INTERNATIONAL AGREEMENTS for relief of distressed seamen 92, 99 (Appendix C.)

L.

LASCARS—
Relief of 110
Wages and effects of deceased 138
LEAVING seamen behind, date of 145
"LEFT BEHIND," and "Discharged," use of terms 62
LIABILITY of Owners for expenses under Secs. 34 and 35, 1906 83
LIFE-SAVING APPLIANCES 189
LIGHTS AND SIGNALS 189–190

Paragraph.

LOG OFFICIAL—
- Seamen's wages accounts to be checked with 65
- Proper entries to appear respecting wages, &c., of seamen left behind 144
- Sick and injured seamen 95

LOG BOOK—
- To contain record of births and deaths 165
- Transmission to R.G.S. 169
- Blank pages to be removed 172

LOCAL laws and ordinances 108

LUNATIC SEAMEN, conveyance of 102

M.

MASTERS, relief of 83, 111

MASTER'S BOOK, seamen's wages accounts to be checked with .. 65, 142

MEDICAL—
- Assistance to sick and distressed seamen ... ... 82, 83, 10[illegible]
- Guide 160
- Certificates... 63
- Stores and medicines 160

MEDICINES and medical advice for seamen temporarily removed from ship 82, 83

MERCHANT SHIPPING ACTS, 1894, 1906 ... ... 1, 2

MISCELLANEOUS receipts and payments 201

MISCONDUCT of certificated officers 173

MISSING VESSELS 185

MONEY ORDERS (Seamen's) 59

MONTH, calendar, definition of 66

MONTHLY SCHEDULE (deceased seamen) 131

" " (seamen left behind) 158

MUTUAL CONSENT, application of wages in cases of, during the currency of agreement 74

MUTUAL RELIEF OF SEAMEN (*see* International Agreements Appendix C.) 92, 99

N.

NATURE OF ILLNESS OR INJURY to be stated 64

NAVAL COURT, seamen discharged by order of, wages to be charged with expenses 74

NOMINAL members of crew. Accounts not required for, under Sec. 28, M.S.A., 1906 150

O.

OVERLOADING 189

OFFICE copy of agreement. To be sent to R.G.S. if vessel is registered in U.K. 38

Paragraph.

OFFICERS—
Boarding expenses of 106
Clothing 102

OFFICIAL LOG BOOK, Seamen's wages accounts to be checked with... 65

ORDER OF COURT, seamen discharged by 64, 74

OWNERS, liability of, for expenses 83

P.

PAPERS, SHIPS, deposit of... 4

PARTICULARS to be inserted in Agreements 57, 69, 80, 102

PASSAGE, to proper return port 76, 77, 90, 102

PAYMENTS—
To seamen, of wages 56–58, 60, 61, 75, 77, 78, 89
Cash advances 79

PENALTIES—
Refusing to give explanation concerning documents ... 3
Non-compliance with certain sections... 6
Refusing to allow seamen to make complaint 7
Failing to provide proper provisions and water 8

Period within which distressed seamen are to be relieved ... 102

PORT abroad, sending seamen to another 76, 102

POWERS of Inquiry 3

PRISONERS, application of wages of 74

PRODUCTION of Log Books and Documents 3

PROVISIONS and Water 8

PROVISION Scale 24

PROPER return port 62, 77, 90
When seamen discharged at port of shipment, or neighbouring port 74
Seamen en route to 76, 102

"PROPER AUTHORITY," definition of under Distressed Seamen Regulations 102

"PROPER OFFICER," definition of (Sec. 28, M.S.A., 1906) ... 141

Q.

QUARTERLY ACCOUNT, wages to be credited in 72

R.

RATE OF EXCHANGE, wages 60

RATING of A.B. 32

RATES to be paid for conveyance of distressed seamen 102

RECEIPTS—
For sums received by Officer 200
Seamen's, for wages, to be taken on Form CC 7 ... ... 75, 78
Furnished for hospital, boarding, &c., expenses 198

Paragraph.

REFUSAL by masters to convey distressed seamen 104

REGULATIONS—
Distressed seamen 102
Local, relative to expenses for seamen 108
For maintaining discipline 23

REPORT—
Of character 51, 54
" " endorsement 52

RETURNS, casualty, not to be shown to public 182

REIMBURSEMENT ACCOUNT (Sec. 28, M.S.A., 1906) 148
Blood-money 149
Nominal members of crew 150
Consular and other fees, allowance of 151
Remote claims 152
Head tax 153

RELEASE (Form M) as to signing when claims excepted at seaman's request 57, 69, 94

RELIEF—
Of distressed seamen 97–111
Canadians 109
Colonial 91, 100
Lascars 110
Foreign, under International Agreements 92, 99, 102
Deserters 98
Stowaways 102
Of Masters 111

REMITTANCE of wages by seamen, to be allowed under certain conditions 85

REMOTE CLAIMS for reimbursement expenses 152

REPORTS, Casualty, to be made by Officer... 182

RESCUE of distressed British seamen at sea, conveyance to be paid for 102

ROYAL NAVAL RESERVE MEN—
Engagements and discharges to be reported to Registrar General of Seamen 176
Certificates 175
Members to report themselves 180
Breaking leave 177

S.

SAILING SHIPS, passages in 103

SANCTION, Officer's, to discharge seamen when necessary 44, 45, 62

SCALE OF PROVISIONS 24

"SEAMAN," definition of 102

SEAMEN—
Unfitness and inability to proceed... 62–80
Sick and injured 81–96
Distressed 97–111
Desertion and disappearance 112–122, 140–157
Receipts of, for wages paid, to be furnished... ... 75, 78, 79, 86
Temporarily removed from ship 81
Deceased 126–139

Paragraph.

SENDING SEAMEN—
To another port abroad 76, 102
To a proper return port... ... ... 77, 90, 102
SHIP, British, Conveyance per sailing ship 103
SHIP, Foreign 97, 99, 102
SHIP MASTERS Medical Guide 160
SHIPPING AGENTS 16
SHIPWRECKED SEAMEN—
Relief of 102
When wages paid immediately after wreck 107
SICK—
Seamen 81–96
,, when temporarily removed from ship 81–83
STIPULATIONS IN AGREEMENTS, deductions from wages in accordance with 67
STOWAWAYS 102
SUBSISTENCE—
Expenses 102, 106
,, for seamen temporarily removed from hip ... 82
And Conveyance allowances 102

T.

TELEGRAMS 13, 203
TERM of Service to be clearly defined in Agreements 20
THREE months' limit, seamen's claim to be relieved dependent on 102
TRANSLATION OF VOUCHERS 198

U.

UNFITNESS and inability to proceed 62–80
UNDERMANNING 180

V.

VAGUE stipulations in Agreements to be avoided 20
VENEREAL DISEASE—
Expenses in cases of, chargeable to wages 86, 93
Deductions for time off duty 94
VOUCHERS for payments by officer 198
VOYAGE, description of, in Agreement 20

W.

	Paragraph.
WAGES—	
Account of seaman's to be rendered	56, 64-73
To be paid at current rate of exchange	60
When chargeable with expenses	74
To be deposited when necessary with Officer	73
Agreement on Form CC 6 for use when deposited	73
To be calculated by the calendar month	66
When paid by bill	71
To be credited in Account Current	72
Powers of Officer in respect of	57, 73
Payment of, to seamen on going out of charge	75
Advances from	79
Seaman's receipt for, to be obtained on Form CC 7	75, 78
Not to be paid when seaman is sent to another port ...	76
Settlement of, when seaman arrives under Conveyance Order	78
Remittance of portion of, by seamen, opportunity to be given for	85
Of shipwrecked seamen	61, 107
WAGES AND EFFECTS—	
Of deceased seamen	[illegible]6-139
Of seamen left behind (Sec. 28, M.S.A., 1906)	140-157
WATCHING, expenses of, to prevent desertion. Not a proper reimbursement charge	152
WATER AND PROVISIONS	8
WITNESSES, expenses of, at Marine Courts of Inquiry ...	202
WRECKED SEAMEN—	
Wages of	61, 107
Relief of	102

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